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ONTARIO

# STATUTES

OF THE

## PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD AT TORONTO IN THE

### Thirteenth and Fourteenth Years of the Reign of Her Majesty QUEEN ELIZABETH II

Being the Third Session of the Twenty-Seventh  
Legislature of Ontario

CONVENED ON THE 20<sup>TH</sup> DAY OF JANUARY, 1965, AND  
PROROGUED ON THE 22<sup>ND</sup> DAY OF JUNE, 1965

---

HIS HONOUR WILLIAM EARL ROWE  
LIEUTENANT GOVERNOR

---

TORONTO  
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER  
1965





# TABLE OF CONTENTS

	PAGE
Index to Statutes, 1965.....	823-871
Table of Public Statutes and Amendments: R.S.O. 1960; 1960-61; 1961-62; 1962-63; 1963; 1964, and 1965.....	875-887
Table of Proclamations: R.S.O. 1960; 1960-61; 1961-62; 1962-63; 1963; 1964, and 1965.....	888-890
Table of Regulations filed under The Regulations Act to August 31st, 1965.....	891-931

## PART I

### PUBLIC ACTS

13-14 Eliz. II  
(1965)  
Chap.

1 — An Act to amend The Agricultural Research Institute of Ontario Act, 1961-62.....	(Bill 151)	1
2 — The Alcoholism and Drug Addiction Research Foundation Act, 1965.....	(Bill 48)	3
3 — An Act to amend The Anatomy Act.....	(Bill 13)	7
4 — An Act to amend The Arbitrations Act.....	(Bill 14)	9
5 — An Act to amend The Archaeological and Historic Sites Protec- tion Act.....	(Bill 7)	11
6 — An Act to amend The Assessment Act.....	(Bill 164)	13
7 — An Act to amend The Bailiffs Act, 1960-61.....	(Bill 46)	21
8 — An Act to amend The Bees Act.....	(Bill 26)	23
9 — An Act to amend The Boundaries Act.....	(Bill 38)	25
10 — The Brucellosis Act, 1965.....	(Bill 91)	29
11 — An Act to amend The Cancer Act.....	(Bill 74)	33
12 — An Act to provide for the Establishment and Operation of The Centennial Centre of Science and Technology.....	(Bill 114)	35
13 — An Act to amend The Certification of Titles Act.....	(Bill 2)	39
14 — The Child Welfare Act, 1965.....	(Bill 119)	41
15 — An Act to amend The Children's Institutions Act, 1962-63 (Bill 154)		79

13-14 Eliz. II (1965) Chap.		PAGE
16 — An Act to amend The Community Centres Act.....	(Bill 78)	81
17 — An Act to provide for the Establishment and Operation of Commuter Services.....	(Bill 147)	83
18 — An Act to amend The Confederation Centennial Act, 1962-63 (Bill 59)		85
19 — An Act to amend The Construction Safety Act, 1961-62 ..	(Bill 19)	87
20 — An Act to amend The Coroners Act.....	(Bill 72)	95
21 — An Act to amend The Corporations Act.....	(Bill 93)	101
22 — An Act to amend The Corporations Tax Act.....	(Bill 130)	105
23 — An Act to amend The County Courts Act.....	(Bill 40)	127
24 — An Act to amend The County Judges Act.....	(Bill 3)	129
25 — An Act to amend The Dead Animal Disposal Act.....	(Bill 12)	131
26 — An Act to amend The Dentistry Act.....	(Bill 50)	133
27 — An Act to amend The Department of Agriculture Act....	(Bill 57)	135
28 — An Act to amend The Department of Education Act....	(Bill 153)	137
29 — An Act to amend The Department of Municipal Affairs Act (Bill 67)		141
30 — An Act to amend The Department of Public Welfare Act ..	(Bill 156)	143
31 — An Act to amend The Devolution of Estates Act.....	(Bill 1)	145
32 — An Act to amend The Division Courts Act.....	(Bill 54)	147
33 — An Act to amend The Dog Tax and Cattle, Sheep and Poultry Protection Act.....	(Bill 20)	149
34 — An Act to amend The Drainage Act, 1962-63.....	(Bill 62)	153
35 — An Act to amend The Elevators and Lifts Act.....	(Bill 18)	155
36 — An Act to amend The Emergency Measures Act, 1962-63 ..	(Bill 166)	159
37 — An Act to amend The Energy Act, 1964.....	(Bill 83)	163
38 — An Act to amend The Expropriation Procedures Act, 1962-63 (Bill 45)		165



13-14 Eliz. II  
(1965)  
Chap.

	(1965) Chap.	PAGE
39 — An Act to amend The Farm Products Marketing Act..	(Bills 58, 140)	169
40 — An Act to amend The Financial Administration Act.....	(Bill 129)	175
41 — An Act to amend The Fire Marshals Act.....	(Bill 117)	177
42 — An Act to provide a Provincial Flag for Ontario.....	(Bill 47)	179
43 — An Act to amend The Gas and Oil Leases Act, 1962-63..	(Bill 84)	181
44 — An Act to amend The General Sessions Act .....	(Bill 100)	183
45 — An Act to amend The Highway Improvement Act.....	(Bill 8)	185
46 — An Act to amend The Highway Traffic Act.....	(Bill 115)	187
47 — An Act to amend The Homes for Retarded Children Act, 1962-63 (Bill 155)		201
48 — An Act to provide for the Settlement by Arbitration of Labour Disputes in Hospitals.....	(Bill 41)	203
49 — An Act to amend The Hospital Services Commission Act..	(Bill 75)	211
50 — An Act to amend The Income Tax Act, 1961-62.....	(Bill 132)	213
51 — An Act to amend The Judicature Act.....	(Bill 36)	215
52 — An Act to amend The Junior Farmer Establishment Act..	(Bill 82)	217
53 — An Act to amend The Justices of the Peace Act.....	(Bill 118)	219
54 — An Act respecting Lakehead University.....	(Bill 150)	221
55 — An Act to amend The Land Titles Act.....	(Bill 111)	231
56 — An Act to amend The Legislative Assembly Act.....	(Bill 80)	233
57 — An Act to amend The Limited Partnerships Act.....	(Bill 113)	235
58 — An Act to amend The Liquor Control Act.....	(Bill 162)	237
59 — An Act to amend The Liquor Licence Act.....	(Bill 163)	255
60 — An Act to amend The Live Stock Community Sales Act..	(Bill 92)	263
61 — An Act to amend The Loan and Trust Corporations Act..	(Bill 95)	265
62 — An Act to amend The Local Improvement Act.....	(Bill 68)	271
63 — An Act to amend The Local Roads Boards Act, 1964.....	(Bill 53)	273

	PAGE
64 — An Act to amend The Loggers' Safety Act, 1962-63 . . . . . (Bill 23)	275
65 — An Act to amend The Logging Tax Act . . . . . (Bill 131)	277
66 — An Act to amend The Lord's Day (Ontario) Act, 1960-61 . . (Bill 37)	279
67 — An Act to amend The Marriage Act . . . . . (Bill 28)	281
68 — An Act to amend The Meat Inspection Act (Ontario), 1962-63 (Bill 138)	285
69 — An Act to amend The Medical Act . . . . . (Bill 49)	287
70 — An Act respecting Medical Services Insurance . . . . . (Bill 136)	289
71 — An Act to amend The Mental Hospitals Act . . . . . (Bill 106)	305
72 — The Milk Act, 1965 . . . . . (Bill 135)	309
73 — An Act to amend The Mining Act . . . . . (Bill 42)	337
74 — An Act to amend The Mortgages Act . . . . . (Bill 5)	341
75 — An Act to amend The Motor Vehicle Accident Claims Act, 1961-62 . . . . . (Bill 86)	343
76 — The Motor Vehicle Fuel Tax Act, 1965 . . . . . (Bill 143)	345
77 — An Act to amend The Municipal Act . . . . . (Bill 146)	351
78 — An Act to amend The Municipal Arbitrations Act . . . . . (Bill 64)	369
79 — An Act to amend The Municipal Franchise Extension Act. (Bill 63)	371
80 — An Act to amend The Municipal Franchises Act . . . . . (Bill 79)	373
81 — An Act to amend The Municipality of Metropolitan Toronto Act (Bill 137)	375
82 — An Act to amend The Nurses Act, 1961-62 . . . . . (Bill 51)	379
83 — An Act to amend The Ontario Energy Board Act, 1964 . . (Bill 104)	381
84 — An Act to amend The Ontario Housing Corporation Act, 1964 (Bill 101)	383
85 — An Act to amend The Ontario Human Rights Code, 1961-62 (Bill 30)	385



13-14 Eliz. II  
(1965)  
Chap.

	PAGE
86 — An Act to establish The Ontario Institute for Studies in Education (Bill 127)	387
87 — An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund..... (Bill 160)	393
88 — An Act to amend The Ontario Mental Health Foundation Act, 1960-61..... (Bill 161)	395
89 — An Act to amend The Ontario Municipal Board Act..... (Bill 109)	399
90 — An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62..... (Bill 165)	401
91 — An Act to amend The Ontario Water Resources Commission Act (Bill 128)	403
92 — The Operating Engineers Act, 1965..... (Bill 35)	407
93 — An Act to amend The Ophthalmic Dispensers Act, 1960-61 (Bill 107)	429
94 — An Act respecting the Water Powers of the Ottawa River.. (Bill 24)	431
95 — An Act to amend The Partnerships Registration Act.... (Bill 112)	437
96 — The Pension Benefits Act, 1965..... (Bill 157)	439
97 — An Act to amend The Pharmacy Act..... (Bill 108)	455
98 — An Act to amend The Planning Act..... (Bill 85)	457
99 — An Act to amend The Police Act..... (Bill 123)	459
100 — An Act to amend The Power Commission Act..... (Bill 116)	467
101 — An Act to amend The Private Hospitals Act..... (Bill 77)	475
102 — The Private Investigators and Security Guards Act, 1965.. (Bill 73)	477
103 — An Act to amend The Probation Act..... (Bill 4)	489
104 — An Act to amend The Proceedings Against the Crown Act, 1962-63..... (Bill 71)	491
105 — An Act to amend The Psychologists Registration Act.... (Bill 52)	493
106 — An Act to amend The Public Health Act..... (Bill 120)	495

3-14 Eliz. II (1965) Chap.		PAGE
107 — An Act to amend The Public Hospitals Act.....	(Bill 76)	499
108 — An Act to amend The Public Lands Act.....	(Bill 43)	501
109 — An Act to amend The Public Schools Act.....	(Bill 88)	503
110 — An Act to amend The Public Service Act, 1961-62.....	(Bill 125)	521
111 — An Act to amend The Public Service Superannuation Act <span style="float: right;">(Bill 124)</span>		523
112 — An Act to amend The Public Service Works on Highways Act <span style="float: right;">(Bill 66)</span>		527
113 — An Act to amend The Public Utilities Act.....	(Bill 69)	529
114 — An Act to amend The Racing Commission Act.....	(Bill 126)	531
115 — An Act to provide for the Establishment of Regional Detention Centres..... <span style="float: right;">(Bill 142)</span>		533
116 — An Act to amend The Registry Act.....	(Bill 110)	535
117 — An Act to amend The Retail Sales Tax Act, 1960-61....	(Bill 133)	539
118 — An Act to amend The Schools Administration Act.....	(Bill 87)	541
119 — An Act to amend The Secondary Schools and Boards of Education Act..... <span style="float: right;">(Bill 90)</span>		551
120 — An Act to amend The Securities Act.....	(Bill 122)	563
121 — An Act to amend The Seed Potatoes Act.....	(Bill 139)	565
122 — An Act to amend The Separate Schools Act.....	(Bill 89)	567
123 — An Act to amend The Sheridan Park Corporation Act, 1964 <span style="float: right;">(Bill 102)</span>		577
124 — An Act to amend The Sheriffs Act.....	(Bill 39)	579
125 — An Act to establish a Foundation for the Preservation of the Burial Place of John Graves Simcoe and his Wife.... <span style="float: right;">(Bill 94)</span>		581
126 — An Act to amend The Succession Duty Act.....	(Bill 134)	585
127 — An Act to amend The Summary Convictions Act.....	(Bill 56)	589



13-14 Eliz. II  
(1965)  
Chap.

PAGE

128 — An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1965, and the 31st day of March, 1966 . . . (Bill 168)	591
129 — An Act to amend The Surrogate Courts Act . . . . . (Bill 121)	595
130 — An Act to impose a Tax on the Consumers of Tobacco . . . (Bill 144)	597
131 — An Act respecting a Certain Dispute between The Toronto Electric Commissioners and Local No. 1, Canadian Union of Public Employees . . . . . (Bill 167)	605
132 — The Training Schools Act, 1965 . . . . . (Bill 25)	611
133 — An Act to amend The Trench Excavators' Protection Act . . (Bill 17)	623
134 — An Act to amend The Trustee Act . . . . . (Bill 70)	631
135 — An Act to make uniform the Powers of Expropriation Granted to Universities . . . . . (Bill 44)	633
136 — An Act to amend The University of Guelph Act, 1964 . . . (Bill 152)	635
137 — An Act respecting Université d'Ottawa . . . . . (Bill 158)	645
138 — An Act to amend The University of Toronto Act, 1947 . . (Bill 148)	657
139 — An Act to amend The Used Car Dealers Act, 1964 . . . . . (Bill 6)	659
140 — An Act to amend The Vital Statistics Act . . . . . (Bill 27)	661
141 — An Act to amend The Weed Control Act . . . . . (Bill 21)	665
142 — An Act to amend The Workmen's Compensation Act . . . . (Bill 31)	667
143 — The York University Act, 1965 . . . . . (Bill 149)	673

## PART II

## PRIVATE ACTS

144 — An Act respecting the City of Belleville . . . . . (Bill Pr16)	683
145 — An Act respecting the Town of Burlington . . . . . (Bill Pr14)	685
146 — An Act respecting the Canadian National Exhibition Association (Bill Pr37)	695

13-14 Eliz. II  
(1965)  
Chap.

	PAGE
147 — An Act respecting the City of Chatham..... (Bill Pr43)	701
148 — An Act respecting the City of Cornwall..... (Bill Pr17)	703
149 — An Act to incorporate The East York Foundation..... (Bill Pr38)	705
150 — An Act respecting the Township of East York..... (Bill Pr33)	713
151 — An Act respecting The Frontenac District High School Board (Bill Pr11)	715
152 — An Act respecting the Town of Gananoque..... (Bill Pr24)	717
153 — An Act respecting the City of Hamilton..... (Bill Pr34)	719
154 — An Act respecting the Town of Hawkesbury..... (Bill Pr32)	721
155 — An Act respecting the City of Kitchener..... (Bill Pr40)	727
156 — An Act respecting the City of London..... (Bill Pr20)	731
157 — An Act respecting the Township of London..... (Bill Pr8)	739
158 — An Act respecting the Township of Mosa..... (Bill Pr30)	749
159 — An Act respecting the Village of New Hamburg..... (Bill Pr21)	757
160 — An Act respecting the Township of North York..... (Bill Pr42)	759
161 — An Act to incorporate The Ontario Speech and Hearing Association..... (Bill Pr6)	767
162 — An Act respecting the City of Oshawa..... (Bill Pr31)	773
163 — An Act respecting the City of Ottawa..... (Bill Pr36)	775
164 — An Act respecting Owen Sound General and Marine Hospital (Bill Pr2)	777
165 — An Act respecting the County of Peel..... (Bill Pr25)	779
166 — An Act respecting the Pentecostal Assemblies of Canada.. (Bill Pr10)	783
167 — An Act respecting The Royal Canadian Legion..... (Bill Pr3)	785
168 — An Act respecting the Township of Scarborough..... (Bill Pr39)	789



## TABLE OF CONTENTS

xi

13-14 Eliz. II  
(1965)  
Chap.

## PAGE

169 — An Act respecting the Municipality of Shuniah.....	(Bill Pr22)	791
170 — An Act respecting the City of St. Thomas.....	(Bill Pr26)	793
171 — An Act respecting the City of Toronto.....	(Bill Pr19)	797
172 — An Act respecting The United Church of Canada.....	(Bill Pr13)	803
173 — An Act respecting United Co-operatives of Ontario.....	(Bill Pr18)	805
174 — An Act respecting The Community Chest of St. Catharines & District, Inc.....	(Bill Pr5)	815
175 — An Act respecting the City of Windsor.....	(Bill Pr9)	817
176 — An Act respecting the Township of York.....	(Bill Pr29)	821



PART I  
PUBLIC ACTS

Chapters 1 to 143.







# 13-14 ELIZABETH II

## CHAPTER 1

### An Act to amend The Agricultural Research Institute of Ontario Act, 1961-62

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.** Subsection 1 of section 4 of *The Agricultural Research Institute of Ontario Act, 1961-62* is repealed and the following substituted therefor:

- (1) All property heretofore or hereafter granted, conveyed, devised or bequeathed for purposes of research to, or to any person in trust for, any institution of the Department of Agriculture that is engaged in research is vested in the Research Institute, subject to any trust affecting the same.

**2.** This Act comes into force on the 1st day of September, 1965.

**3.** This Act may be cited as *The Agricultural Research Institute of Ontario Amendment Act, 1965*.





## CHAPTER 2

# The Alcoholism and Drug Addiction Research Foundation Act, 1965

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

- (a) "addict" means a person who is addicted to a substance other than alcohol;
- (b) "addiction" means addiction to a substance other than alcohol;
- (c) "alcoholic" means a person who suffers from alcoholism;
- (d) "alcoholism" means a diseased condition produced by the action of alcohol upon the human system;
- (e) "Board" means the professional advisory board of the Foundation;
- (f) "Foundation" means the Alcoholism and Drug Addiction Research Foundation;
- (g) "Minister" means the Minister of Health. 1949, c. 4, s. 1; 1959, c. 4, s. 1; 1960-61, c. 2, s. 2, *amended*.

**2.—**(1) The corporation known as the Alcoholism and Drug Addiction Research Foundation is continued. Foundation continued

(2) The Foundation shall be composed of not fewer than seven and not more than twenty members appointed by the Lieutenant Governor in Council. 1949, c. 4, s. 2; 1960-61, c. 2, s. 3; 1961-62, c. 4, s. 1, *amended*. Composition

**3.** The Lieutenant Governor in Council may designate one of the members to be chairman of the Foundation. 1949, c. 4, s. 3. Chairman

- Quorum      **4.** Five members of the Foundation constitute a quorum. 1949, c. 4, s. 4.
- Vacancies      **5.** The Lieutenant Governor in Council may fill any vacancy among the members of the Foundation. 1949, c. 4, s. 5.
- Head office      **6.** The head office of the Foundation shall be at or near the City of Toronto. 1949, c. 4, s. 6.
- Objects and powers      **7.** The objects of the Foundation are and it has power,
- (a) to conduct and promote a programme of research in alcoholism and addiction; and
  - (b) to conduct, direct and promote programmes for,
    - (i) the treatment of alcoholics and addicts,
    - (ii) the rehabilitation of alcoholics and addicts,
    - (iii) the experimentation in methods of treating and rehabilitating alcoholics and addicts, and
    - (iv) the dissemination of information respecting the recognition, prevention and treatment of alcoholism and addiction. 1951, c. 3, s. 1, *part*; 1955, c. 3, s. 1; 1960-61, c. 2, s. 4, *amended*.
- Further powers      **8.—(1)** For the furtherance of its objects, the Foundation may,
- (a) establish, conduct, manage and operate hospitals, clinics and centres for the observation and treatment of and for consultation with alcoholics and addicts; and
  - (b) enter into agreements,
    - (i) with hospitals and other institutions for the accommodation, care and treatment of alcoholics and addicts, and
    - (ii) with universities, hospitals and other institutions for the experimentation in methods of treatment of alcoholics and addicts.
- Idem, grants      **(2)** The Foundation may make such grants as are deemed by the Foundation necessary or desirable for the furtherance of its objects. 1951, c. 3, s. 1, *part, amended*.

**9.** The Foundation may make such by-laws as are deemed expedient for its constitution and the administration of its affairs, and may do such other things as are deemed necessary or advisable to carry out its objects. 1949, c. 4, s. 8, *amended*. <sup>Idem. by-laws</sup>

**10.** The Foundation may acquire by purchase or lease any land and buildings, and may erect buildings, and may acquire such equipment, instruments, appliances, materials and other things as are deemed necessary or advisable to carry out its objects. 1949, c. 4, s. 9, *amended*. <sup>Idem. acquisition of land</sup>

**11.** The real and personal property, business and income of the Foundation are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature. 1949, c. 4, s. 10, *amended*. <sup>Exemption from taxation</sup>

**12.** There shall be a professional advisory board composed of such duly qualified medical practitioners, scientists and other persons as the Foundation, with the approval of the Lieutenant Governor in Council, may appoint. 1962-63, c. 3, s. 1, *amended*. <sup>Board</sup>

**13.—(1)** The Foundation may employ a director and such officers, clerks and servants as are deemed expedient. <sup>Officers and staff</sup>

**(2)** The Foundation may engage the services of such experts and other persons as are deemed expedient. 1949, c. 4, s. 12. <sup>Experts</sup>

**14.—(1)** Each member of the Foundation and the Board shall be paid his proper travelling and other expenses incurred in the work of the Foundation. <sup>Expenses</sup>

**(2)** Subject to the approval of the Lieutenant Governor in Council, the members of the Board shall be paid such remuneration as the Foundation determines from time to time. 1964, c. 1, s. 1, *amended*. <sup>Remuneration of Board</sup>

**15.** The funds of the Foundation consist of moneys received by it from any source, including moneys appropriated for its use by the Legislature, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner as it deems proper. 1949, c. 4, s. 14, *amended*. <sup>Funds</sup>

**16.** The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor, who shall make a report thereon to the Foundation and to the Minister, and the cost of the audit and report shall be paid out of the funds of the Foundation. 1949, c. 4, s. 16, *amended*. <sup>Audit</sup>



Annual  
report

**17.** The Foundation shall make a report annually to the Minister, who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1949, c. 4, s. 17, *amended*.

- Repeal:
- 18.** The following are repealed:
- 1949, c. 4

1. *The Alcoholism and Drug Addiction Research Foundation Act, 1949.*
- 1951, c. 3

2. *The Alcoholism Research Foundation Amendment Act, 1951.*
- 1955, c. 3

3. *The Alcoholism Research Foundation Amendment Act, 1955.*
- 1959, c. 4

4. *The Alcoholism Research Foundation Amendment Act, 1959.*
- 1960-61,  
c. 2

5. *The Alcoholism Research Foundation Amendment Act, 1960-61.*
- 1961-62,  
c. 4

6. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1961-62.*
- 1962-63,  
c. 3

7. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1962-63.*
- 1964, c. 1

8. *The Alcoholism and Drug Addiction Research Foundation Amendment Act, 1964.*

Commence-  
ment

**19.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**20.** This Act may be cited as *The Alcoholism and Drug Addiction Research Foundation Act, 1965*.

## CHAPTER 3

## An Act to amend The Anatomy Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Anatomy Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 14,  
amended

3a. A school that receives a body for the purpose of anatomical dissection, other than a body that the school is qualified to receive under section 5, shall immediately notify the local inspector of anatomy and shall not begin a dissection of the body until the local inspector of anatomy has certified in writing that he has obtained such particulars of the body as he requires. Donated  
bodies

**2.** Clause *a* of section 7 of *The Anatomy Act* is amended by striking out "unclaimed" in the third line, so that the clause shall read as follows: R.S.O. 1960,  
c. 14, s. 7,  
cl. a,  
amended

(a) keep a register showing the name, age, sex, birth-place and religious denomination of every person whose body has been received by him, and the name of the school to which the body was delivered, with the date of delivery.

**3.** Section 13 of *The Anatomy Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 14, s. 13,  
re-enacted

13. A school receiving a body under this Act shall ensure that the body is given a decent interment at the expense of the school after it has served the purpose for which it was received, and before interring a body the school shall give notice of the interment to the general inspector of anatomy and, in the case of a donated body, to the person who donated the body. Interment

R.S.O. 1960,  
c. 14, s. 14,  
amended

4. Section 14 of *The Anatomy Act* is amended by striking out "\$20" in the fifth line and inserting in lieu thereof "\$2,000 or to imprisonment for a term of not more than one year, or to both", so that the section shall read as follows:

Neglect of  
duty under  
Act and  
contraven-  
tion of Act,  
general  
penalty

14. Every person who neglects to discharge the duties imposed upon him by this Act or any regulation made thereunder, or who contravenes any provision thereof, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,  
c. 14, s. 15,  
amended

5. Section 15 of *The Anatomy Act* is amended by striking out "\$100" in the fourth line and inserting in lieu thereof "not more than \$2,000 or to imprisonment for a term of not more than one year, or to both", so that the section shall read as follows:

Removal of  
bodies from  
Ontario,  
penalty

15. No person shall send or take a dead body out of Ontario for surgical or practical anatomical purposes, and every person who contravenes this section is liable to an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Anatomy Amendment Act, 1965*.



CHAPTER 4

An Act to amend The Arbitrations Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule B to *The Arbitrations Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 18,  
Sched. B,  
re-enacted

SCHEDULE B

*(Sections 18 and 22)*

FEES CHARGEABLE BY ARBITRATORS

1. For every meeting where the reference is not proceeded with, but a postponement is made at the request of any party,

not less than \$ 20

nor more than 40
2. For every day's sittings, to consist of not less than six hours,

not less than 50

nor more than 100
3. Where a day's sittings consists of more than six hours, for each additional hour,

not less than 10

nor more than 15
4. For every sittings not extended to six hours (fractional parts of hours being excluded) where the reference is actually proceeded with, for each hour occupied,

not less than 10

nor more than 15

2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

3. This Act may be cited as *The Arbitrations Amendment Act, 1965*.

Short title



## CHAPTER 5

**An Act to amend  
The Archaeological and Historic Sites  
Protection Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 9 of *The Archaeological and Historic Sites Protection Act* is amended by striking out "nine" in the second line and inserting in lieu thereof "twelve", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 19, s. 9,  
subs. 1,  
amended

(1) The Minister may establish an advisory board, consisting of not more than twelve members, to advise him upon all matters to which this Act refers.

Advisory  
board

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Archaeological and Historic Sites Protection Amendment Act, 1965*.

Short title





## CHAPTER 6

## An Act to amend The Assessment Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 9 of section 4 of *The Assessment Act*, as amended by subsection 2 of section 1 of *The Assessment Amendment Act, 1960-61* and section 1 of *The Assessment Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 4,  
par. 9,  
re-enacted

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission, municipal parking authority or local board as defined by *The Department of Municipal Affairs Act*, except property of a harbour commission used for the parking of vehicles for which a fee is charged, wherever situate and whether occupied for the purposes thereof or unoccupied, but not when occupied by a tenant or lessee.

Municipal  
property

R.S.O. 1960,  
c. 98

2. Section 21 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 23, s. 21,  
re-enacted

21.—(1) The Lieutenant Governor in Council may make regulations adopting by reference manuals prepared by the Department for the guidance of assessors in valuating lands and may make such manuals apply to any municipality, municipalities or class of municipalities with such changes as he deems appropriate with respect to any municipality, municipalities or class of municipalities.

Adoption of  
assessment  
manuals

(2) The assessors and assessment commissioners of the municipality or municipalities to which the manuals apply shall comply with such manuals.

Assessors

Where  
conflict

- (3) Where there is any conflict between any provision of section 35 and any provision of the manuals as they may be changed by any regulation, the provision of the manuals prevails.

R.S.O. 1960,  
c. 23, s. 41,  
amended

- 3.—(1) Section 41 of *The Assessment Act* is amended by adding thereto the following subsection:

Adjustment  
of assess-  
ment

- (5a) The assessment of pipe lines in each municipality determined under subsection 5 shall be adjusted by the application of the latest equalization factor provided by the Department.

R.S.O. 1960,  
c. 23, s. 41,  
subs. 15,  
amended

- (2) Subsection 15 of the said section 41, as amended by section 5 of *The Assessment Amendment Act, 1960-61*, is further amended by striking out "1961" in the amendment of 1960-61 and inserting in lieu thereof "1965", so that the subsection shall read as follows:

Review of  
rates

- (15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1965 and every third year thereafter, and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5.

R.S.O. 1960,  
c. 23, s. 65a  
(1960-61,  
c. 4, s. 8),  
subs. 1,  
re-enacted

4. Subsection 1 of section 65a of *The Assessment Act*, as enacted by section 8 of *The Assessment Amendment Act, 1960-61*, is repealed and the following substituted therefor:

Courts of  
revision  
under  
county  
assessment  
commis-  
sioner

- (1) Where a by-law is passed in any year under subsection 2 of section 93a appointing a county assessment commissioner, the council of the county shall, in each subsequent year, constitute by by-law one or more courts of revision for each township, town and village in the county.

R.S.O. 1960,  
c. 23, s. 93a  
(1960-61,  
c. 4, s. 14),  
re-enacted

5. Section 93a of *The Assessment Act*, as enacted by section 14 of *The Assessment Amendment Act, 1960-61* and amended by section 10 of *The Assessment Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Office of  
county  
assessment  
commis-  
sioner

- 93a.—(1) Subject to the approval of the Minister, the council of a county may by by-law provide for the appointment of a county assessment commissioner.

Appoint-  
ment and  
powers

- (2) Where a council passes a by-law under subsection 1, it may, with the approval of the Minister, appoint by by-law a county assessment commissioner, and,

- (a) on and after his appointment, he and his assistants and staff shall at all reasonable times have access to and the right to examine

all the books, records and documents relating to the assessment departments of the townships, towns and villages in the county; and

- (b) after the 31st day of December next following his appointment, he has all the powers, duties and privileges under this and every other Act of an assessor, assessment commissioner and county assessor in respect of the county and the townships, towns and villages in the county, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such local municipalities.
- (3) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county. <sup>Staff</sup>
- (4) Where a by-law is passed under subsection 2 in any year by the council of a county, the county shall not, after the 31st day of December of that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner. <sup>Municipalities not to employ assessors</sup>
- (5) Where a by-law is passed under subsection 2 in any year by the council of a county, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county. <sup>Application of s. 130 in local municipalities</sup>
- (6) No by-law passed under subsection 1 or 2 shall be repealed without the approval of the Minister. <sup>Repeal of by-law</sup>
- 93aa.—(1) Upon the request of one or more cities or separated towns within a county expressed by by-law, the council of the county may pass a by-law appointing the county assessment commissioner as assessor for such city or cities or town or towns, and, after the 31st day of December next following his appointment, he has all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city or



cities or town or towns, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such cities or towns.

Employment  
of assessors  
by city, etc.

- (2) Where a by-law is passed in any year appointing a county assessment commissioner as assessor for one or more cities or separated towns under this section, such a city or town shall not, after the 31st day of December of that year, appoint or continue to employ an assessment commissioner or assessors, and after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such cities or towns shall be turned over to the county assessment commissioner.

Application  
of s. 130  
in city or  
town

- (3) Where a by-law is passed in any year by the council of a county appointing a county assessment commissioner as assessor for one or more cities or separated towns, section 130 does not apply after the 31st day of December of that year in such a city or town.

Apportion-  
ment of  
costs

- (4) Where the county assessment commissioner has been appointed assessor for one or more cities or separated towns under subsection 1, the total annual cost incurred for the salaries and wages of a county assessment commissioner and his staff, if any, and for all other expenses and disbursements in connection with his office shall be chargeable to and be provided and paid by the county, and the county and each such city and town shall bear and pay their respective shares of such cost in the proportion that the total rateable assessment of all the municipalities that form part of the county and the rateable assessment of each such city and town bears to the total rateable assessment of all of them, according to their last revised assessment rolls, provided that, during the first three years after the appointment of a county assessment commissioner as assessor for one or more cities or towns, the rateable assessments used to determine their respective shares of the cost shall be adjusted by the application of the latest equalization factors provided by the Department.

Application  
of s. 65b

- (5) Where a by-law appointing a county assessment commissioner as assessor for one or more cities or separated towns is passed under this section, section 65b applies *mutatis mutandis* to the cities or towns for which the county assessment commissioner is appointed assessor.



- (6) No by-law passed under this section shall be repealed without the approval of the Minister. Repeal of  
by-law

**6.** Subsection 1 of section 93b of *The Assessment Act*, as enacted by section 9 of *The Assessment Amendment Act, 1961-62* and amended by subsection 1 of section 3 of *The Assessment Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 23, s. 93b  
(1961-62,  
c. 6, s. 9),  
subs. 1,  
re-enacted

- (1) Upon the request of one or more townships, towns or villages in a county expressed by by-law or resolution, the council of the county may pass a by-law appointing the county assessor as assessor for such local municipality or municipalities, and the county assessor, after the effective date of such by-law, has all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such local municipality or municipalities, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for each of such local municipalities. County  
assessor  
appointed  
local  
assessor

**7.—(1)** Subsection 7 of section 104 of *The Assessment Act*, as re-enacted by section 6 of *The Assessment Amendment Act, 1964*, is amended by adding thereto the following clause: R.S.O. 1960,  
c. 23, s. 104  
(1964, c. 4,  
s. 6),  
subs. 7,  
amended

- (e) incur all such costs as may be necessary for the provision to himself and his staff of such benefits as municipalities may provide to their employees under paragraphs 60, 61 and 62 of section 377 of *The Municipal Act*. R.S.O. 1960,  
c. 249

(2) The said section 104 is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 104  
(1964, c. 4,  
s. 6),  
amended

- (7a) A district assessor may contract and may sue and be sued in the name of the district assessor for the district for which he was appointed, but he is not personally liable upon any contract made as district assessor. Power to  
contract  
and sue

(3) Subsections 8, 9 and 10 of the said section 104 are repealed and the following substituted therefor: R.S.O. 1960,  
c. 23, s. 104  
(1964, c. 4,  
s. 6),  
subs. 8-10,  
re-enacted

- (8) The district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of the municipalities and localities in the territorial district, except, subject to subsections 9 and 10, cities, and he shall be deemed for the purposes of this Powers and  
duties

and every other Act to be the assessor and assessment commissioner for each of such municipalities and localities.

District  
assessor  
for cities

- (9) A city may join in the request for a district assessor, and, if it does so, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for such city.

Idem

- (10) After a district assessor has been appointed, a city may by by-law request the Minister to appoint the district assessor as assessor for such city, and, when the Minister makes such appointment, the district assessor shall have all the powers, duties and privileges under this and every other Act of an assessor and an assessment commissioner in respect of such city, and he shall be deemed for the purposes of this and every other Act to be the assessor and assessment commissioner for such city on and after such date as may be fixed by the Minister.

R.S.O. 1960,  
c. 23, s. 104  
(1964, c. 4,  
s. 6),  
subs. 19,  
amended

- (4) Subsection 19 of the said section 104 is amended by adding at the end thereof "and, where assessments are deemed to be equalized and in making an equalization of assessments, the district assessor shall, where applicable, add to the valuations of each municipality the amounts obtained under subsections 2 and 3 of section 98 as varied under subsection 4 of section 98", so that the subsection shall read as follows:

Equaliza-  
tion of  
assessment

- (19) Where a district assessor has been appointed and an equalization of assessment is required for the purposes of this or any other Act, the assessments made by the district assessor in the municipalities and localities for which the district assessor is deemed to be the assessor shall be deemed to be the equalized assessments for the purposes of this and every other Act, and equalization shall be required only as between a municipality or municipalities for which the district assessor is not deemed to be the assessor and all those municipalities for which he is deemed to be the assessor, and, where assessments are deemed to be equalized and in making an equalization of assessments, the district assessor shall, where applicable, add to the valuations of each municipality the amounts obtained under subsections 2 and 3 of section 98 as varied under subsection 4 of section 98.

(5) The said section 104 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 23, s. 104  
(1964, c. 4,  
s. 6),  
amended

(19a) Notwithstanding subsection 19, the Minister may order a district assessor to equalize the assessments of the municipalities and localities for which he is deemed to be the assessor by the application of the latest equalization factors provided by the Department. Idem

8. Subsection 2 of section 106 of *The Assessment Act* is repealed. R.S.O. 1960,  
c. 23, s. 106,  
subs. 2,  
repealed

9.—(1) Clauses *a* and *b* of subsection 1 of section 131 of *The Assessment Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 23, s. 131,  
subs. 1,  
cl. *a*,  
re-enacted;  
cl. *b*,  
repealed

(a) in respect of real property liable to taxation at the rate levied under subsection 2 of section 294 of *The Municipal Act* that has ceased to be real property that would be liable to be taxed at such rate; or R.S.O. 1960,  
c. 249

. . . . .

(2) Subsections 9, 10, 13 and 14 of the said section 131 are repealed. R.S.O. 1960,  
c. 23, s. 131,  
subs. 9, 10,  
13, 14,  
repealed

10.—(1) This Act, except section 1, subsection 1 of section 3 and section 7, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Subsection 2 of section 7 shall be deemed to have come into force on the 8th day of May, 1964. Idem

(3) Section 1 and subsections 1, 3, 4 and 5 of section 7 shall be deemed to have come into force on the 1st day of January, 1965. Idem

(4) Subsection 1 of section 3 comes into force on a day to be named by the Lieutenant Governor by his proclamation. Idem

11. This Act may be cited as *The Assessment Amendment Act, 1965*. Short title





## CHAPTER 7

**An Act to amend The Bailiffs Act, 1960-61**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 9 of *The Bailiffs Act, 1960-61* <sup>1960-61,  
c. 5, s. 9,  
subs. 2,  
re-enacted</sup> is repealed and the following substituted therefor:
  - (2) No appointment of a bailiff shall be revoked except <sup>Hearing</sup> after a hearing by the Director or person designated by him at which the bailiff shall have an opportunity to be present and make representations, either personally or by counsel, and to examine or cross-examine witnesses.
  - (3) The Director shall report the results of the hearing <sup>Report</sup> and his recommendations to the Attorney General.
2. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.
3. This Act may be cited as *The Bailiffs Amendment Act*, <sup>Short title</sup> 1965.



## CHAPTER 8

## An Act to amend The Bees Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 19 of *The Bees Act*, as re-enacted by subsection 1 of section 1 of *The Bees Amendment Act, 1961-62*, is amended by inserting after “municipality” in the first and second lines “or suburban district designated under this section”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 33, s. 19,  
subs. 1  
(1961-62,  
c. 8, s. 1,  
subs. 1),  
amended

- (1) No person in a place other than an urban municipality or suburban district designated under this section shall place or leave hives containing bees within thirty feet of a highway, dwelling or cultivated field.

Location  
of hives

(2) Subsection 3 of the said section 19, as enacted by subsection 2 of section 1 of *The Bees Amendment Act, 1961-62*, is amended by inserting after “municipality” in the first line “or suburban district designated under this section”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 33, s. 19,  
subs. 3  
(1961-62,  
c. 8, s. 1,  
subs. 2),  
amended

- (3) No person in an urban municipality or suburban district designated under this section shall place or leave hives containing bees within 100 feet of a property line separating the lands on which the hives are placed or left from lands occupied by a dwelling or used for purposes of a community centre, public park or other place of public assembly or recreation.

Location  
of hives  
in urban  
municipalities,  
etc.

(3) The said section 19 is amended by adding thereto the following subsections:

R.S.O. 1960,  
c. 33, s. 19,  
amended

- (4) The council of any township may pass by-laws designating as a suburban district any part of the township that adjoins an urban municipality or that adjoins another designated suburban district.

By-laws  
designating  
suburban  
districts

Approval of  
Minister

(5) A by-law passed under subsection 4 shall not take effect until it is approved by the Minister.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Bees Amendment Act, 1965*.



CHAPTER 9

An Act to amend The Boundaries Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 1 of *The Boundaries Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 38, s. 1,  
cl. g,  
re-enacted

(g) "parcel" means a lot, block, easement, right of way or other area into which land is divided.

2. Subsections 2 and 3 of section 2 of *The Boundaries Act* are repealed. R.S.O. 1960,  
c. 38, s. 2,  
subss. 2, 3,  
repealed

3. Subsection 1 of section 5 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, is amended by inserting after "confirmed" in the fourteenth line "or surveyed and confirmed", so that the subsection shall read as follows: R.S.O. 1960,  
c. 38, s. 5  
(1961-62,  
c. 9, s. 3),  
subs. 1,  
amended

(1) Where, Application  
for con-  
firmation  
of survey

- (a) an error appears in or a doubt exists as to the accuracy of a survey or plan of a parcel or as to the true location of any of its boundaries;
- (b) a difference exists or is thought to exist between the occupational boundaries of a parcel and the boundaries as shown on a registered plan of subdivision or other plan or in the description in the instrument under which the parcel is held or in the title register; or
- (c) the boundaries of a parcel are not shown on a registered plan of subdivision,

an application to the director to have the boundaries confirmed or surveyed and confirmed under this Act may be made by,

(d) |

- (d) the owner of the parcel;
- (e) the council of the municipality in which the parcel is situate;
- (f) the Minister of Highways;
- (g) the Inspector of Legal Offices;
- (h) the proper master of titles;
- (i) the Surveyor General under *The Public Lands Act*;
- (j) the Surveyor General under the *Canada Lands Surveys Act*; or
- (k) with the consent of the owner of the parcel, an Ontario land surveyor.

R.S.O. 1960,  
c. 324

R.S.C. 1952,  
c. 26

R.S.O. 1960,  
c. 38, s. 7  
(1961-62,  
c. 9, s. 3),  
amended

4. Section 7 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, is amended by inserting after "may" in the third line "initiate proceedings under this Act and may", so that the section shall read as follows:

Where  
director  
may  
initiate  
proceedings

- 7. The director of his own accord, upon finding any of the conditions prescribed in section 5 to exist in respect of any parcel, may initiate proceedings under this Act and may engage a surveyor to make a survey and plan of the parcel or to do such additional survey work as the director requires.

R.S.O. 1960,  
c. 38, s. 17  
(1961-62,  
c. 9, s. 6),  
subs. 2,  
amended

5.—(1) Subsection 2 of section 17 of *The Boundaries Act*, as re-enacted by section 6 of *The Boundaries Amendment Act, 1961-62*, is amended by striking out "confirmed boundary or which is within or partly within a block outline survey or complete survey" in the fifth, sixth and seventh lines and inserting in lieu thereof "boundary", so that the subsection shall read as follows:

Idem

- (2) Upon receipt of the plan or copy for registration, the proper master of titles or registrar shall register the plan and shall make an entry in red ink in the title register or abstract index for each parcel which adjoins a boundary which has been confirmed, setting out the registration number of the plan, the date of registration, the number assigned to the plan by the director, the entry "Plan under *The Boundaries Act*", and a brief statement of the effect of the plan.

(2) Subsection 4 of the said section 17 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 38, s. 17  
(1961-62,  
c. 9, s. 6),  
subs. 4,  
re-enacted

- (4) Where a plan confirmed and certified under this Act has been registered, an instrument which affects any parcel that adjoins a confirmed boundary shall not be registered unless the description of the land in the instrument conforms and refers to the plan or unless, where the instrument is to be registered under *The Land Titles Act*, the director or, where the instrument is to be registered under *The Registry Act*, the Inspector of Legal Offices, under special circumstances, deems it proper to authorize the registration.

Subsequent  
instruments  
must  
conform to  
plan

R.S.O. 1960,  
cc. 204, 348

6. Section 21 of *The Boundaries Act* is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 38, s. 21,  
amended

- (ca) governing standards and procedures for surveys and plans under this Act.

7. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

8. This Act may be cited as *The Boundaries Amendment Act, 1965*.

Short title





## CHAPTER 10

## The Brucellosis Act, 1965

*Assented to April 14th, 1965*

*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "brucellosis" means the infectious disease of cattle caused by the organism *brucella abortus*;
- (b) "calf" means a head of cattle under the age of one year;
- (c) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture;
- (d) "inspector" means an inspector appointed under this Act;
- (e) "Minister" means the Minister of Agriculture;
- (f) "owner" means a person owning or keeping one or more head of cattle, and includes a person in charge of premises where cattle are kept;
- (g) "regulations" means the regulations made under this Act;
- (h) "vaccinate" means vaccinate against brucellosis with vaccine in accordance with the regulations, and "vaccination" has a corresponding meaning;
- (i) "veterinarian" means a veterinarian appointed under this Act. R.S.O. 1960, c. 41, s. 1, *amended*.

**2.** For the purposes of this Act, the Lieutenant Governor <sup>Inspectors</sup> in Council may appoint a chief inspector and one or more inspectors. R.S.O. 1960, c. 41, s. 3, *amended*.

Appointment of  
veterinarians  
R.S.O. 1960,  
c. 416

**3.**—(1) For the purposes of this Act, the Minister may appoint any veterinarian registered under *The Veterinarians Act* who makes application for appointment in the form prescribed by the regulations.

Agreements  
with  
veterinarians

(2) Where the Minister appoints a veterinarian, he shall make an agreement with the veterinarian in the form prescribed by the regulations.

Veterinarians'  
assistants

(3) With the approval of the Director, a veterinarian may engage one or more persons to assist him in carrying out his duties under this Act, but the veterinarian is responsible for all acts of his assistants in carrying out such duties. R.S.O. 1960, c. 41, s. 5, *amended*.

Prohibition  
as to  
vaccination

**4.** No person, other than a veterinarian or an assistant engaged by him, shall vaccinate a head of cattle. *New*.

Age limits  
as to  
vaccination

**5.** No person shall vaccinate or cause to be vaccinated a head of cattle, except a calf that is within the age limits for vaccination prescribed by the regulations. R.S.O. 1960, c. 41, s. 7, *amended*.

Prescribed  
vaccine  
to be used

**6.** No veterinarian shall use or supply to any person for use in any vaccination any vaccine other than a vaccine prescribed by the regulations. R.S.O. 1960, c. 41, s. 6, *amended*.

Notice of  
calf to be  
vaccinated

**7.**—(1) Every owner of a female calf that is within the age limits for vaccination prescribed by the regulations may notify a veterinarian that he has such a calf for vaccination.

Vaccination  
after notice

(2) Where a veterinarian receives a notice under subsection 1, he shall vaccinate the calf without cost to the owner. R.S.O. 1960, c. 41, s. 12 (1, 2), *amended*.

Owner to  
provide  
assistance

(3) The owner of a female calf that is being vaccinated shall provide such assistance as the veterinarian requires to restrain the calf. R.S.O. 1960, c. 41, s. 16 (4), *amended*.

Certificate  
of vaccination

**8.** Where a veterinarian vaccinates a calf, he shall complete in triplicate a certificate of vaccination in the form prescribed by the regulations and forthwith shall deliver or send by mail the original copy thereof to the owner and, within ten days after the end of the month in which the calf was vaccinated, shall deliver or send by mail two copies thereof to the Director. R.S.O. 1960, c. 41, s. 13, *amended*.

Right of  
entry

**9.**—(1) For the purposes of carrying out his duties under this Act, an inspector or a veterinarian may at any time between sunrise and sunset enter any premises or building other than a dwelling house.

(2) The production by an inspector or a veterinarian of a <sup>Certificate of appointment</sup> certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister. R.S.O. 1960, c. 41, s. 16 (1, 2), *amended*.

**10.** No person shall hinder or obstruct an inspector or a <sup>Obstruction of inspector or veterinarian</sup> veterinarian in the course of his duties or furnish him with false information, or refuse to furnish him with information. R.S.O. 1960, c. 41, s. 16 (3), *amended*.

**11.** Every person who contravenes any of the provisions <sup>Offences</sup> of this Act or the regulations is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$25 and, for a subsequent offence, to a fine of not more than \$50 or to imprisonment for a term of not more than ten days, or to both fine and imprisonment. R.S.O. 1960, c. 41, s. 17, *amended*.

**12.** The Lieutenant Governor in Council may make regula- <sup>Regulations</sup> tions,

- (a) prescribing the vaccine and the method to be used in vaccinating a calf;
- (b) prescribing the age limits for vaccination of a calf;
- (c) providing for a means of identification of a calf vaccinated under this Act, prescribing the manner in which such means of identification may be used, and governing the removal of such means of identification from a head of cattle;
- (d) providing for the compensation of the owner of a female calf that dies after being vaccinated, and prescribing the terms and conditions under which such compensation may be paid;
- (e) providing for the remuneration of a veterinarian;
- (f) prescribing forms and providing for their use;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 41, s. 18; 1962-63, c. 9, s. 2, *amended*.

**13.** *The Brucellosis Act and The Brucellosis Amendment Act, 1962-63* are repealed. R.S.O. 1960,  
c. 41;  
1962-63,  
c. 9,  
repealed

Commence-  
ment        **14.** This Act comes into force on a day to be named by  
the Lieutenant Governor by his proclamation.

Short title        **15.** This Act may be cited as *The Brucellosis Act, 1965*.

## CHAPTER 11

## An Act to amend The Cancer Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of subsection 1 of section 17 of *The Cancer Act* <sup>R.S.O. 1960, c. 45, s. 17, subs. 1, cl. *a*,</sup> is amended by striking out "one of whom shall be the chairman of the Foundation" in the first and second lines, so that the amended clause shall read as follows:

(*a*) five persons representing the Foundation.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sup>ment</sup>

**3.** This Act may be cited as *The Cancer Amendment Act*, <sup>Short title</sup>1965.





## CHAPTER 12

**An Act to provide for the Establishment  
and Operation of The Centennial Centre  
of Science and Technology**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Trustees of the Centre;
- (b) "Centre" means The Centennial Centre of Science and Technology;
- (c) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as the Lieutenant Governor in Council designates.

**2.**—(1) There is hereby established, on behalf of Her <sup>Centre established</sup> Majesty in right of Ontario, a corporation without share capital under the name of The Centennial Centre of Science and Technology, and the corporation shall consist of not fewer than sixteen and not more than twenty-six trustees.

(2) The Centre shall have a seal, which shall be adopted <sup>Seal</sup> by the Board by by-law.

(3) The fiscal year of the Centre commences on the 1st <sup>Fiscal year</sup> day of April in each year and ends on the 31st day of March in the following year.

(4) *The Corporations Act* does not apply to the Centre. <sup>R.S.O. 1960,  
c. 71, not to  
apply</sup>

**3.**—(1) The Lieutenant Governor in Council shall appoint <sup>Appoint-  
ment of  
trustees</sup> the trustees of the Centre who shall be its Board of Trustees and shall designate one of them as chairman and one of them as vice-chairman of the Board.

- Term** (2) A trustee may be appointed for a term not exceeding three years, but may be re-appointed for one or more further terms.
- Remuneration** (3) The Centre may pay those of its trustees who are not officers in the public service of Ontario such remuneration and expense allowances as are from time to time fixed by the Lieutenant Governor in Council.
- Quorum** (4) A majority of the trustees for the time being constitutes a quorum.
- By-laws** (5) The Board may, subject to the approval of the Minister, make by-laws regulating its proceedings and generally for the conduct and management of its internal affairs, and *The Regulations Act* does not apply to any such by-law.
- R.S.O. 1960, c. 349**
- Powers of Board** **4.**—(1) The affairs of the Centre are under the control of the Board, and the Board has all the powers necessary or convenient to perform its duties or achieve the objects of the Centre.
- Responsible to Minister** (2) The Board is responsible to the Minister.
- Chairman** (3) The chairman shall preside at all meetings of the Board, and, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform the duties of the chairman.
- Employees** **5.**—(1) A Director of the Centre may be appointed under *The Public Service Act, 1961-62* and such other officers, clerks and servants as are deemed necessary from time to time for the proper conduct of the business of the Centre.
- 1961-62, c. 121**
- Duties of Director** (2) The Director of the Centre shall have the management and administration of the Centre, subject to the supervision and direction of the Board.
- Objects** **6.** The objects of the Centre are,
- (a) to depict to the public and to conduct a programme of education in the origins, development and progress of science and technology, and their relationship to society;
  - (b) to depict the role of Ontario in the furtherance of science and technology;
  - (c) to stimulate the interest of the public in matters depicted by the Centre; and

- (d) to collect and exhibit objects and displays and to maintain and operate a museum and related facilities for the furtherance of the objects of the Centre established as a project of Ontario in commemoration of the Confederation Centennial.

**7.**—(1) The moneys for the purposes of the Centre shall <sup>Funds</sup> be paid out of the moneys that are appropriated therefor by the Legislature.

(2) The Board may acquire money, securities or other <sup>Idem</sup> property, real or personal, by gift, devise, bequest or otherwise, and may expend, administer or dispose of any such money, securities or other property in the promotion of its objects, subject to the terms, if any, upon which such money, securities or other property were given, devised, bequeathed or otherwise made payable to the Board or to the Centre.

**8.** The real and personal property, business and income <sup>Exemption from</sup> of the Centre are exempt from all assessment and taxation <sup>taxation</sup> made, imposed or levied by or under the authority of any Act of the Legislature.

**9.** The accounts and financial transactions of the Centre <sup>Audit</sup> shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Board and to the Minister.

**10.** The Board shall make a report annually to the Minister <sup>Report</sup> upon the affairs of the Centre, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**11.**—(1) The Lieutenant Governor in Council may make <sup>Regulations</sup> regulations,

- (a) establishing one or more endowment funds in furtherance of the objects of the Centre, and governing such funds;
- (b) regulating and governing the use by the public of the facilities, property and equipment of the Centre;
- (c) requiring the payment of fees for the admission of the public or any class thereof to the Centre, and prescribing the amounts;
- (d) for any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

## Penalty

(2) A person who contravenes a regulation made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

## Short title

**13.** This Act may be cited as *The Centennial Centre of Science and Technology Act, 1965*.



CHAPTER 13

An Act to amend  
The Certification of Titles Act

Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 1 of *The Certification of Titles Act* are repealed. R.S.O. 1960,  
c. 48, s. 1,  
subss. 2, 3,  
repealed

2. Subsection 1 of section 14 of *The Certification of Titles Act* is amended by adding at the end thereof "or unless the owner has derived title through a previous owner whose title to the land was certified under this Act not more than five years before the date of registration of the plan", so that the subsection shall read as follows: R.S.O. 1960,  
c. 48, s. 14,  
subss. 1,  
amended

(1) No plan of subdivision of land to which this Act applies and which is in a certification area shall be registered unless the title of the owner of the land has been certified under this Act or unless the owner has derived title through a previous owner whose title to the land was certified under this Act not more than five years before the date of registration of the plan. Conditions precedent to registration of plan

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Certification of Titles Amendment Act, 1965*. Short title



## CHAPTER 14

## The Child Welfare Act, 1965

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

## 1. In this Act,

Interpre-  
tation

- (a) "approved estimate" means the estimate of expenditures of a children's aid society finally approved under sections 9 to 11;
- (b) "children's aid society" or "society" means a children's aid society approved by the Lieutenant Governor in Council under this Act;
- (c) "Director" means the Director of Child Welfare appointed under this Act;
- (d) "local director" means the local director of a children's aid society appointed under this Act;
- (e) "Minister" means the Minister of Public Welfare;
- (f) "municipality" means a county, metropolitan municipality, city or separated town, but does not include a city or separated town in a metropolitan municipality, and in a territorial district means a city, town, village, township or improvement district;
- (g) "prescribed" means prescribed by the regulations;
- (h) "regulations" means the regulations made under this Act. R.S.O. 1960, c. 53, s. 1, *amended*.

## PART I

## OFFICERS, SOCIETIES

**2.**—(1) The Lieutenant Governor in Council may appoint a person as the Director of Child Welfare. R.S.O. 1960, c. 53, s. 2 (1). Appoint-  
ment of  
Director

Duties of  
Director

## (2) The Director shall,

- (a) advise and supervise children's aid societies;
- (b) inspect or direct and supervise the inspection of the operation and records of children's aid societies;
- (c) exercise the powers and duties of a children's aid society in any area in which no society is functioning;
- (d) inspect or direct and supervise the inspection of any place in which a child in the care of a society is placed;
- (e) prepare and submit an annual report to the Minister;
- (f) keep books of account of all moneys received by him, showing the receipts and disbursements;
- (g) perform such other duties as are prescribed by this Act or the regulations or by the Lieutenant Governor in Council. R.S.O. 1960, c. 53, s. 2 (2), *amended*.

Acting  
Director

(3) Where the Director is absent or there is a vacancy in the office, the powers and duties of the Director shall be exercised and performed by such civil servant as the Minister designates. R.S.O. 1960, c. 53, s. 2 (3).

## Investigation

**3.**—(1) The Minister may by order appoint a judge of the county court to make an investigation into any matter,

- (a) relating to the care of a ward of a children's aid society or of the Crown; or
- (b) for the due administration of this Act,

and the person appointed shall report the result of his investigation to the Minister.

Powers of  
investigation

(2) For the purposes of an investigation under subsection 1, the judge has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. *New*.

R.S.O. 1960,  
c. 323

Appoint-  
ment of  
local  
directors

**4.**—(1) Every children's aid society shall appoint a local director who shall be responsible to the board of directors of the society for the administration and enforcement of this Act and the regulations in the area in which the society has jurisdiction, who shall co-operate with the Director to this end and who shall carry out such other duties as are required of him by the constitution, by-laws and directions of the society.

(2) Every local director and every person designated by the board of directors of a society has for the purposes of this Act the powers of a constable and a school attendance officer, and he shall be deemed to be an officer within the meaning of section 10 of *The Public Authorities Protection Act*, and that section and the other provisions of that Act apply to him in the same manner and to the same extent as they do to the officers mentioned in that section. R.S.O. 1960, c. 318, s. 3.

5. The Director or a local director or any person acting under the authority of either of them may call to his aid in the performance of his duties a member of the police force responsible for policing the area in which the aid is required. R.S.O. 1960, c. 53, s. 4.

6.—(1) Every children's aid society shall be incorporated under *The Corporations Act* or a predecessor thereof and shall be approved by the Lieutenant Governor in Council. R.S.O. 1960, c. 71.

(2) Every children's aid society shall be operated for the purposes of,

- (a) investigating allegations or evidence that children may be in need of protection;
- (b) protecting children where necessary;
- (c) providing guidance, counselling and other services to families for protecting children or for the prevention of circumstances requiring the protection of children;
- (d) providing care for children assigned to its care under this or any other Act;
- (e) supervising children assigned to its supervision under this or any other Act;
- (f) placing children for adoption;
- (g) assisting unmarried parents and their children; and
- (h) any other duties given to it by this or any other Act. R.S.O. 1960, c. 53, s. 6 (1), *amended*.

(3) Every society shall provide at least the standard of services prescribed by the regulations. *New*.

(4) The by-laws of every society shall contain such provisions as the regulations prescribe, and a certified copy of



the by-laws and any amendments thereto shall be filed with the Director forthwith after they are made, and no such by-laws or amendments shall come into operation until they have been approved by the Minister. R.S.O. 1960, c. 53, s. 6 (2).

Board of  
directors

7.—(1) A children's aid society shall be governed by a board of directors composed of such municipal representatives as are determined under subsections 2 to 6 and the president, one or more vice-presidents, the secretary, the treasurer and such other officers and members as are determined, elected in such manner and for such period as the by-laws of the society provide. R.S.O. 1960, c. 53, s. 7 (1), *amended*.

Municipal  
repre-  
sentatives

(2) Where a children's aid society has jurisdiction in but not outside a city, separated town or metropolitan municipality, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the city, separated town or metropolitan municipality.

Idem

(3) Where a children's aid society has jurisdiction in a county but not in a city or separated town, the municipal representatives shall be not fewer than four appointed from among themselves by the council of the county.

Idem

(4) Where a children's aid society has jurisdiction in an area that includes a county or part of a county outside a city, separated town or metropolitan municipality,

(a) one municipal representative shall be appointed from among themselves by the council of each county, city, separated town and metropolitan municipality in the jurisdiction; and

(b) the council of the county, city, separated town or metropolitan municipality having the largest population as determined by the last revised assessment rolls shall appoint from among themselves such other municipal representatives as are required, so that the total number of municipal representatives on the board of directors is not fewer than four.

Idem

(5) In subsections 2 to 4, a reference to a city or separated town does not include a city or separated town in a metropolitan municipality.

Idem

(6) Where a children's aid society has jurisdiction in an area that includes a district or part of a district outside a city or metropolitan municipality, the municipal representatives shall be appointed in the manner determined under subsection 4, except that the district welfare administration board or the district child welfare budget board referred to in

section 10, as the case may be, shall appoint the representatives required by subsection 4 to be appointed by the council of a county. *New.*

(7) The directors shall pass a by-law providing for the election from among their number of an executive committee of nine members, consisting of the president, the treasurer, four municipal representatives and three other directors, and to delegate to the executive committee any powers of the board of directors, subject to the restrictions, if any, contained in the by-law or imposed from time to time by the board. R.S.O. 1960, c. 53, s. 7 (2), *amended*. <sup>Executive committee</sup>

(8) A majority of the members of an executive committee constitutes a quorum. R.S.O. 1960, c. 53, s. 7 (3). <sup>Quorum</sup>

8.—(1) In this section, “population” means the population as shown by the municipal census taken in the year preceding the year for which an estimate of expenditures is made, subject to such adjustments as are prescribed by the regulations. <sup>Interpretation</sup>

(2) Every children’s aid society shall, before the 30th day of November in each year, prepare in the prescribed form and file with the Director an estimate of its expenditures for operating costs as defined by the regulations for the year next following. <sup>Estimate of expenditures</sup>

(3) Where a children’s aid society has jurisdiction in more than one municipality, the estimate of expenditures shall have annexed to it a statement in the prescribed form showing the proportion of the estimate of expenditures that is referable to each municipality, and the said proportion shall, <sup>Proportion referable to each municipality</sup>

(a) in respect of the cost of services for children in the care of the society, be in the proportion that the number of children taken into protective care in the municipality bears to the total number of children in the care of the society;

(b) in respect of the cost of services other than services for children in the care of the society, be in the proportion that the population of the municipality bears to the total population of the area in the jurisdiction of the society; and

(c) where, by arrangement with a municipality, the standard of services provided to the municipality exceeds that provided to any other municipality in the jurisdiction of the society, include the entire cost of the excess,

determined in the manner prescribed by the regulations.

**Exception** (4) Subsection 3 does not apply where a district welfare administration board has been established.

**Adjustment** (5) When the actual costs of the society for any year have been determined, there shall be an adjustment between the estimated costs as submitted in the estimates and the actual costs when so determined, and such adjustment shall be either added to or deducted from the estimates for each municipality to be submitted for the following year. *New.*

**Approval by council** **9.**—(1) Subject to section 10, the estimate of expenditures of a children's aid society shall be submitted, before the 31st day of December, to the council of each municipality in the area in which the society has jurisdiction, and, where the estimate is prepared in accordance with the prescribed standards, the municipal council shall grant its approval to the necessary expenditures.

**Approval by Minister** (2) Every estimate of expenditures prepared under section 8 shall be submitted to the Minister after it is approved under subsection 1 and before the 25th day of February, and the estimate is subject to the approval of the Minister. *New.*

**Interpretation** **10.**—(1) In this section,

1962-63,  
c. 37 (a) "district" means a district as defined in *The District Welfare Administration Boards Act, 1962-63*;

(b) "municipality" means a municipality as defined in *The District Welfare Administration Boards Act, 1962-63*.

**District Child Welfare Budget Board** (2) The councils of every municipality in a district in which a district welfare administration board has not been established shall, on or before the 31st day of January in each year, jointly appoint five persons to be a board known as the District Child Welfare Budget Board.

**Approval of estimates** (3) The estimate of expenditures of a children's aid society in a district shall be approved by the District Child Welfare Budget Board in lieu of the approval by the municipal councils otherwise required by section 9. *New.*

**Child Welfare Review Board established** **11.**—(1) There shall be a board, to be known as the Child Welfare Review Board, composed of five members, of whom,

(a) one shall be appointed by the Minister of Public Welfare;

(b) one shall be appointed by the Minister of Municipal Affairs;

(c)

- (c) one shall be appointed by the Treasurer of Ontario;
- (d) one shall be appointed by the Association of Children's Aid Societies; and
- (e) one shall be a member of the faculty of a school of social work in Ontario accredited by the Council on Social Work Education, nominated by the Minister of Public Welfare,

and the chairman of the Board shall be appointed from among its members by the Lieutenant Governor in Council.

(2) Where the Minister, a children's aid society and the council of a municipality or a district child welfare budget board, as the case may be, do not agree on the estimate of expenditures or on the portion of the estimate that is referable to the municipality, any one of them may refer the matter to the Child Welfare Review Board. <sup>Functions</sup>

(3) The Child Welfare Review Board may, after a hearing, <sup>Order</sup> make an order,

- (a) determining the amount of the estimate of expenditures necessary to implement the prescribed standards, and the estimate so determined shall be deemed to be an approved estimate;
- (b) determining the portion of the estimate that is referable to the municipality,

and the order of the Review Board is final. *New.*

**12.**—(1) Subject to subsection 3, there shall be paid out <sup>Payments by Ontario</sup> of the moneys appropriated therefor by the Legislature to each children's aid society an amount equal to,

- (a) 40 per cent of the part of the approved estimate referable to operating costs, other than the operating costs referred to in clause *b*; and
- (b) 100 per cent of the part of the approved estimate referable to operating costs for the care and maintenance of the children of unmarried mothers.

(2) Every municipality shall pay to the children's aid society <sup>Payments by municipality</sup> having jurisdiction in the municipality an amount equal to 60 per cent of the portion that is referable to the municipality of the approved estimate of operating costs other than for the care and maintenance of the children of unmarried mothers.



Societies  
in un-  
organized  
territory

(3) There shall be paid out of moneys appropriated therefor by the Legislature to each children's aid society having jurisdiction in territory without municipal organization an amount equal to 100 per cent of the part of the approved estimate referable to operating costs in the territory without municipal organization, determined under subsection 3 of section 8 in the same manner as if the territory without municipal organization were a municipality.

Instalments

(4) Any amount payable to a children's aid society under this section in respect of an approved estimate shall be paid in twelve equal monthly instalments. *New.*

Additional  
aid to  
municipalities

(5) The Lieutenant Governor in Council may make special grants out of the moneys appropriated therefor by the Legislature to relieve, in whole or in part, any municipality that is unduly burdened in any year by reason of its liabilities under this Part. R.S.O. 1960, c. 53, s. 25.

Capital  
grants

**13.**—(1) Where, after prior approval in writing by the Minister, a municipality or a children's aid society has erected, purchased or otherwise acquired a building for the occupation in whole or in part by the society for use for a purpose other than to provide facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the municipality or to the society of an amount up to 25 per cent of,

- (a) where the whole building is occupied by the society, the value of the building and the land on which it is erected; or
- (b) where part of the building is occupied by the society, the proportion of the value of the building that the floor space occupied by the society bears to the total floor space of the building.

Idem

(2) Where, after prior approval in writing by the Minister, a society erects a new building or an addition to an existing building for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed.



(3) Where, after prior approval in writing by the Minister, <sup>Idem</sup> a society acquires an existing building for the provision of facilities and services to meet such special needs of children as are prescribed for the purposes of section 16, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the society of an amount equal to the cost to the society of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed. *New.*

**14.**—(1) The council of any municipality shall pass by- <sup>Power to make levies</sup> laws for the levying of such amounts as are necessary for the purpose of meeting any liability imposed on the municipality under this Act and may pass by-laws for the purpose of affording to a children's aid society such other assistance as the council considers advisable. R.S.O. 1960, c. 53, s. 26, *amended.*

(2) A children's aid society shall be deemed to be a local <sup>When society a local board</sup> board of each municipality in which it has jurisdiction for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62* and not for any other purpose. *New.* c. 97

**15.** The Crown, represented by the Minister, may enter <sup>Reciprocal agreements</sup> into an agreement with any other jurisdiction providing for the payment by Ontario of the cost of the care and maintenance in the other jurisdiction of the children of unmarried mothers who are residents of Ontario, as determined under the agreement, and for the payment by the other jurisdiction of the cost of the care and maintenance in Ontario of the children of unmarried mothers who are residents of the other jurisdiction, as determined under the agreement. *New.*

**16.** Two or more children's aid societies having con- <sup>Special homes and services</sup> current or contiguous jurisdictions may enter into an agreement with the approval of the Minister establishing a joint committee for the purpose of providing facilities and services for the joint use of the societies to meet such special needs of children as are prescribed by the regulations, and sections 8 to 13 apply to the joint committee, for the purposes for which it was established, in the same manner as if the joint committee were a children's aid society. *New.*

**17.** Where, in the opinion of the Lieutenant Governor in <sup>Temporary board</sup> Council, a children's aid society is not able to perform its duties, the Lieutenant Governor in Council may appoint a board of directors who shall be the board of directors of the society for such period as he considers advisable. *New.*

**18.** The Lieutenant Governor in Council may at any time, <sup>Dissolution of societies</sup> upon the recommendation of the Minister, dissolve a children's aid society on such date as the order provides, and upon the

dissolution

dissolution of a society its property vests in the Crown to be held and disposed of in such manner as the Lieutenant Governor in Council determines. R.S.O. 1960, c. 53, s. 10, *amended*.

## PART II

### PROTECTION AND CARE OF NEGLECTED CHILDREN

Interpre-  
tation

#### 19.—(1) In this Part,

- (a) “child” means a boy or girl actually or apparently under sixteen years of age;
- (b) “child in need of protection” means,
  - (i) a child who is an orphan and who is not being properly cared for, or who is brought, with the consent of the person in whose charge he is, before a judge to be dealt with under this Part,
  - (ii) a child who is deserted by the person in whose charge he is or where that person has died or is unable to care properly for him,
  - (iii) a child where the person in whose charge he is cannot, by reason of disease or infirmity or misfortune or incompetence or imprisonment or any combination thereof, care properly for him,
  - (iv) a child who is living in an unfit or improper place,
  - (v) a child found associating with an unfit or improper person,
  - (vi) a child found begging or receiving alms in a public place,
  - (vii) a child who, with the consent or connivance of the person in whose charge he is, commits any act that renders him liable to a penalty under any Act of the Parliament of Canada or of the Legislature, or under any municipal by-law,
  - (viii) a child whose parent is unable to control him,
  - (ix) a child who, without sufficient cause, habitually absents himself from his home or school,
  - (x) a child where the person in whose charge he is neglects or refuses to provide or obtain proper

medical,

medical, surgical or other recognized remedial care or treatment necessary for his health or well-being, or refuses to permit such care or treatment to be supplied to the child when it is recommended by a duly qualified medical practitioner, or otherwise fails to protect the child adequately,

(xi) a child whose emotional or mental development is endangered because of emotional rejection or deprivation of affection by the person in whose charge he is,

(xii) a child whose life, health or morals may be endangered by the conduct of the person in whose charge he is;

(c) "foster home" means a home, other than the home of his parent, in which a child is placed for care and supervision but not for the purposes of adoption;

(d) "judge" means the judge of a juvenile and family court;

(e) "parent" means a person who is under a legal duty to provide for a child, or a guardian or a person standing *in loco parentis* to a child other than a person appointed for the purpose under this Act;

(f) "place of safety" means a receiving home or an institution for the care and protection of children;

(g) "public place" means a place, building or conveyance to which the public has, or is permitted to have, access;

(h) "receiving home" means an institution or home operated or supervised by a children's aid society for the temporary care of children.

(2) Applications under this Part shall be heard by the judge having jurisdiction in the place where the child was taken into protective care. R.S.O. 1960, c. 53, s. 11 (1, 2), *amended*. By whom cases to be heard

(3) A judge may make an order under this Part notwithstanding the infancy of the child or his parent. Order affecting infant

(4) For the purposes of an application under this Part, where the parent of a child is under the age of twenty-one Guardian *ad litem*

years,

years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the parent with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New.*

How child  
in need of  
protection  
brought  
before  
judge

**20.** A constable or other police officer, the Director, a local director or a person authorized by the Director or by a local director may take without warrant to a place of safety any child apparently in need of protection and detain the child there until the child can be brought before a judge, or he may apply to a judge for an order requiring the person in whose charge the child is to produce the child before a judge at the time and place named in the order. R.S.O. 1960, c. 53, s. 12, *amended.*

Warrant to  
search for  
child in  
need of  
protection

**21.—**(1) If it appears to a justice of the peace, on information laid before him on oath,

(a) that there is reasonable cause to suspect that a child is in need of protection; or

(b) that a child has been unlawfully removed from the care or custody of a children's aid society or is being unlawfully concealed or harboured,

the justice may issue a warrant authorizing any person named therein to search for the child and to take him to and detain him in a place of safety.

Right  
of entry

(2) A person authorized by the warrant may enter, if need be by force, any house, building or other place specified in the warrant and may remove the child therefrom.

Name not  
necessary

(3) It is not necessary in an information or warrant under this section to describe the child by name. R.S.O. 1960, c. 53, s. 13, *amended.*

Child in  
institution

**22.** Where a child is in the care of an institution or home and no parent can be located, an officer of the institution or home shall notify the children's aid society and may, upon notice to the children's aid society, apply to a judge who may determine that the child is a child in need of protection under section 24. R.S.O. 1960, c. 53, s. 14, *amended.*

Detention  
limited

**23.—**(1) A child detained in a place of safety under section 20 or clause *a* of subsection 1 of section 21 shall be returned to his parent or brought before a judge within ten days of his detention.



(2) Subsection 1 does not apply to a child while he is in the care of a children's aid society or detained by the society in a place of safety with the written consent of the person in whose charge he was immediately before being placed in the care of the society or taken to and detained in a place of safety. R.S.O. 1960, c. 53, ss. 15, 16. <sup>Voluntary care or detention</sup>

**24.**—(1) Where a child is brought before a judge as a child apparently in need of protection, the judge shall hold a hearing and determine whether or not the child is a child in need of protection, and, if he finds that the child is a child in need of protection, he shall also determine the child's name, age and religious faith and the location where the child was taken into protection. R.S.O. 1960, c. 53, s. 17 (1), *amended*. <sup>Hearing to be held</sup>

(2) The judge has the power of summoning any person and requiring him to give evidence on oath and to produce such documents and things as may be requisite, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. <sup>Witnesses</sup>

(3) The judge may hear any person on behalf of the child, the local director of the children's aid society or any person authorized by the board of directors of the society on behalf of the society, the clerk of a municipality or any person authorized by the council of the municipality on behalf of the municipality, and a regional welfare administrator of the Department of Public Welfare or any person authorized by the Minister on behalf of Ontario. R.S.O. 1960, c. 53, s. 17 (2, 3). <sup>Who may be heard</sup>

(4) The judge shall not proceed to hear or dispose of the matter until he is satisfied that the parent or other person having the actual custody of the child and the municipality in which the child was taken into protective care have had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause them to be notified. <sup>Notice</sup>

(5) Where the child was taken into protective care in territory without municipal organization, the judge shall not proceed to hear or dispose of the matter until he is satisfied that the regional welfare administrator of the Department of Public Welfare for the area in which the child was taken into protective care has had reasonable notice of the hearing or that every reasonable effort has been made in the opinion of the judge to cause such official to be notified. <sup>Notice</sup>

(6) The evidence of every witness capable of being sworn shall be given under oath and shall be taken down, <sup>Taking and transcribing evidence</sup>

(a)



- (a) where the proceedings are in a juvenile and family court that has a stenographer who is a member of the staff of the court, by that stenographer; and
- (b) where the proceedings are in a juvenile and family court that does not have a stenographer who is a member of the staff of the court, by a stenographer appointed by the judge,

and the court when requested so to do shall provide a transcript of the evidence within twenty days.

#### Fees

R.S.O. 1960,  
c. 226

(7) Stenographers appointed under clause *b* of subsection 6, or the employers of such stenographers, shall be allowed the fees prescribed under *The Magistrates Act* for taking down and transcribing evidence, and such fees shall,

- (a) for taking down evidence, be paid by the municipality in which the child was taken into protective care or by Ontario where the child was taken into protective care in territory without municipal organization; and
- (b) for transcribing evidence, be paid by the person or authority requesting the transcription.

#### Care and custody during adjournment

(8) Where a hearing is adjourned, the judge shall make such order for the temporary care and custody of the child as he thinks advisable. R.S.O. 1960, c. 53, s. 17 (4-8), *amended*.

#### Order where child in need of protection

**25.** Where the judge finds the child to be a child in need of protection, he shall make an order,

- (a) that the case be adjourned *sine die* and that the child be placed with or returned to his parent or other person subject to supervision by the children's aid society; or
- (b) that the child be made a ward of and committed to the care and custody of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society for such period, not exceeding twelve months, as in the circumstances of the case he considers advisable; or
- (c) that the child be made a ward of the Crown until the wardship is terminated under section 31 or 34 and that the child be committed to the care of the children's aid society having jurisdiction in the area in which the child was taken into the protective care of the society. R.S.O. 1960, c. 53, s. 17 (9), *amended*.

**26.**—(1) Where a child is found to be a child in need of protection and is committed to the care of a children's aid society, the judge may order the parent to pay to the children's aid society such sum as is prescribed by the regulations, or any part thereof, for each day the child is in the care of the society. R.S.O. 1960, c. 53, s. 17 (11), *amended*. Payments by parent

(2) The judge may vary or rescind the order under subsection 1 where the circumstances of the parent have changed. Varying payments by parent

(3) The council of a municipality may enter into an agreement with the board of directors of a children's aid society providing for the collection by the municipality on behalf of the society of the payments of the amounts required to be paid by parents under subsection 1. *New*. Agreement to collect payments

(4) An order made against a parent under subsection 1 may be enforced in the same manner as an order made under *The Deserted Wives' and Children's Maintenance Act*. R.S.O. 1960, c. 53, s. 17 (13). Enforcement of order  
R.S.O. 1960, c. 105

(5) Where the judge has made an order under clause *a* of section 25, the society may at any time bring the case again before a judge for further consideration and action under this section, and the judge may terminate the order and make a further order under section 25 or take such other action under that section as he deems necessary in the interest of the welfare of the child. R.S.O. 1960, c. 53, s. 17 (14), *amended*. Re-opening of case adjourned sine die

**27.**—(1) Where he deems it to be in the best interests of the child, the judge may order that the presence of the child at the hearing under this Part be dispensed with. 1961-62, c. 14, s. 2, *revised*. Presence of child at hearing

(2) Notwithstanding section 126 of *The Judicature Act* and with the leave of the judge hearing an application under this Part, any step may be taken in the application, the hearing may be held and the order may be made and performed at any time of any day, including a holiday. 1962-63, c. 12, s. 2. Proceedings at any time or on a holiday  
R.S.O. 1960, c. 197

**28.** A judge may, in any case arising under this Part, make such order as he deems proper regarding the right of access to the child by any person or by either parent of the child, having regard to the welfare of the child, the conduct of the person or parent and the wishes of the parents, and may at any time alter, vary or discharge any order so made. R.S.O. 1960, c. 53, s. 18. Access to child

**29.** Every order made under this Part shall contain a statement of the facts upon which the decision of the judge is based. R.S.O. 1960, c. 53, s. 17 (20), *amended*. Statement of facts

Re-application  
before  
expiration  
of wardship

**30.** Where a child has been committed as a ward of a children's aid society, the society may at any time and shall, before the expiration of the period of wardship other than under section 34, apply to the judge for further consideration, and the judge shall thereupon further inquire and determine whether the circumstances justify a further order under section 25, but in no case shall an order be made that results in the child being a ward of the society for a continuous period of more than twenty-four months. R.S.O. 1960, c. 53, s. 17 (15); 1962-63, c. 12, s. 1, *amended*.

Application  
to terminate  
Crown  
wardship

**31.—**(1) Where a child has been committed as a ward of the Crown, the children's aid society having the care of the child may apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination is in the best interests of the child, he shall order that the Crown wardship be terminated.

*Idem*  
R.S.O. 1960,  
c. 236

(2) Within twelve months after a Crown ward is admitted to an institution under *The Mental Hospitals Act*, other than an examination unit, the children's aid society responsible for the care of the child shall, upon notice to the superintendent of the mental institution, apply to a judge for an order terminating the Crown wardship, and, if the judge is satisfied that the termination of the wardship is in the best interests of the child, he shall order that the Crown wardship be terminated. 1961-62, c. 14, s. 1 (2), *amended*.

Duties re  
Crown  
wards

**32.—**(1) The Crown has and shall assume all the rights and responsibilities of a legal guardian of its wards for the purpose of their care, custody and control, and the powers, duties and obligations of the Crown in respect of the wards of the Crown, other than those assigned to the Director by this Act, may be exercised and discharged by the children's aid society having the care of the ward.

Control of  
Director

(2) The Director may direct that a Crown ward be moved to any other children's aid society or institution designated by the Director.

Permanent  
wards under  
R.S.O. 1960,  
c. 53

(3) Every child committed permanently to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the permanent care and custody of the society immediately before this Act comes into force is a ward of the Crown in the care of such society, subject otherwise to the terms of the order making the permanent commitment. *New*.

Society to  
be legal  
guardian

**33.—**(1) Each children's aid society has and shall assume all the rights and responsibilities of a legal guardian of the wards of the society for the purpose of their care, custody and control. R.S.O. 1960, c. 53, s. 17 (17), *amended*.

(2) Every child committed temporarily to the care and custody of a children's aid society under *The Child Welfare Act*, or any predecessor thereof, and who is in the temporary care and custody of the society immediately before this Act comes into force continues to be a ward of the society, subject otherwise to the terms of the order making the temporary commitment. *New.*

Temporary  
wards under  
R.S.O. 1960,  
c. 53

**34.** Every wardship terminates when the ward attains the age of eighteen years, but, upon the application of a children's aid society with the approval of the Director, a judge may order that the wardship of a Crown ward continue until the ward attains the age of twenty-one years where the ward is dependent for educational purposes or because of mental or physical incapacity. R.S.O. 1960, c. 53, s. 17 (19), *part, amended.*

Termina-  
tion of  
wardship

**35.**—(1) Where a parent applies to a judge for an order for the production of a child committed under this Part and the judge is of the opinion that the parent has deserted the child or that he has otherwise so conducted himself that the child is in need of protection, the judge may in his discretion decline to make the order. R.S.O. 1960, c. 53, s. 30 (1), *amended.*

Application  
for produc-  
tion of child

(2) If at the time of the application the child is being brought up by another person or has been placed by a children's aid society, the judge, if he directs the child to be given up to the parent, may order the parent to pay to such person or society the whole of the expense properly incurred in bringing up the child, or such part thereof as seems just.

Judge may  
order com-  
pensation

(3) Where a parent,

No order  
unless parent  
fit person

(a) has abandoned or deserted his child; or

(b) has allowed his child to be brought up by another person at that person's expense, or by a children's aid society, for such time and under such circumstances as to satisfy the court that the parent was unmindful of his parental duties,

the judge shall not make an order for the delivery of the child to the parent unless the parent satisfies the judge that, having regard to the welfare of the child, he is a fit person to have the custody of the child. R.S.O. 1960, c. 53, s. 30 (2, 3).

(4) Nothing in this section affects the power of the judge to consult the wishes of the child in determining what order ought to be made or any right that the child possesses to exercise his own free choice. R.S.O. 1960, c. 53, s. 30 (5).

Child's  
wishes to be  
consulted



Appeal to  
county  
court judge

**36.**—(1) A decision granting or refusing an order under this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal  
to Court  
of Appeal

(2) A decision upon an appeal under subsection 1 is subject to an appeal to the Court of Appeal.

Appeal by  
next friend

(3) An appeal on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 53, s. 29; 1961-62, c. 14, s. 3, *amended*.

Pre-  
sumption as  
to religious  
faith

**37.**—(1) For the purposes of this section, a child shall be deemed to have the same religious faith as his father unless it is shown that an agreement has been entered into in writing, signed by his parents, that he be brought up in the same religious faith as his mother.

Child of  
unmarried  
mother

(2) For the purposes of this section, the child of an unmarried mother shall be deemed to have the religious faith of his mother. R.S.O. 1960, c. 53, s. 31 (1, 2), *amended*.

Where  
established  
faith not  
that of  
parent

(3) Where a child is being raised in a religious faith other than his religious faith as determined under subsection 1 or 2 or where his religious faith cannot be readily determined under subsection 1 or 2, the judge may determine the child to have such religious faith, if any, for the purposes of this section, as he deems proper in the circumstances. *New*.

Religious  
faith of  
child

(4) A Protestant child shall not be committed under this Part to the care of a Roman Catholic children's aid society or institution and a Roman Catholic child shall not be committed under this Part to a Protestant children's aid society or institution, and a Protestant child shall not be placed in a foster home with a Roman Catholic family and a Roman Catholic child shall not be placed in a foster home with a Protestant family, and, where a child committed under this Part is other than Protestant or Roman Catholic, he shall be placed where practicable with a family of his own religious faith, if any. R.S.O. 1960, c. 53, s. 31 (3), *amended*.

Where  
only one  
society

(5) Subsection 4 does not apply to the commitment of a child to the care of a children's aid society in a municipality in which there is only one children's aid society. R.S.O. 1960, c. 53, s. 31 (4).



(6) Where a children's aid society,

Application  
to waive  
subs. 4

(a) is unable to place a child in a suitable foster home within a reasonable time because of the operation of subsections 1 to 4; and

(b) would be able to place the child in a suitable foster home but for the operation of subsections 1 to 4,

the society or the Director may apply to a judge who may order that subsection 4 does not apply to the child in respect of the placement. *New.*

(7) Notwithstanding anything in this section, the judge may have regard to the wishes of the child in determining what order ought to be made as to his religious faith. R.S.O. 1960, c. 53, s. 31 (5). Child's  
wishes to be  
consulted

**38.**—(1) A ward of the Crown or of a children's aid society may be placed by the society for any period of time in a foster home or other suitable place according to the needs of the child, and every ward so placed shall receive an education in accordance with the laws of Ontario and in keeping with his intellectual capacity, and provision for his occupational training and for his total development shall be such as a good parent would make for his own child. Society  
may place  
ward

(2) A ward of the Crown or of a children's aid society who has been so placed may at any time be removed by the society when, in the opinion of the Director or the local director, the welfare of the ward so requires. Removal  
of ward  
of society

(3) Where a ward of the Crown is placed in a foster home and, in the opinion of the local director with the approval of the Director, it is in the best interests of the ward to place him in adoption, the foster parents shall not be denied the opportunity of making application to adopt the ward if they so desire. R.S.O. 1960, c. 53, s. 32, *amended*. Adoption  
of ward

**39.**—(1) No person shall,

Interference  
with wards,  
etc.

(a) induce or attempt to induce a person under the age of eighteen years, who is lawfully in the care of an organization that provides care for children, to leave the premises in which he has been lawfully placed; or

(b) detain or harbour a person under the age of eighteen years, who is lawfully in the care and custody of an organization that provides care for children, after demand made by a person authorized to require him to be delivered up; or

(c)

- (c) visit, write to, telephone to or otherwise interfere with a ward who is placed in a foster home or other place, or his foster parents, without the consent in writing of the children's aid society under whose supervision he is. R.S.O. 1960, c. 53, s. 33 (1), *amended*.

#### Offence

(2) Every person who contravenes any provision of subsection 1 is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$500 or to imprisonment for a period of not more than one year, or to both. R.S.O. 1960, c. 53, s. 33 (2), *amended*.

#### Desertion of or failure to protect child

**40.**—(1) Any person having the care, custody, control or charge of a child who abandons, deserts or fails to support the child or inflicts unreasonable cruelty or ill-treatment upon the child not constituting an assault or otherwise fails to protect the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$500 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 53, s. 34 (1), *amended*.

#### Leaving child unattended

(2) Any person having the care, custody, control or charge of a child under the age of ten years who leaves the child unattended for an unreasonable length of time without making reasonable provision for the supervision and safety of the child is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$100 and, for any subsequent offence, to a fine of not more than \$200 or imprisonment for a term of not more than one year. R.S.O. 1960, c. 53, s. 34 (2).

#### Further proceedings as to child

(3) The judge may in connection with any case arising under subsection 1 or 2 hold a hearing in respect of any child concerned and may proceed as though the child had been brought before him as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 34 (3), *amended*.

#### Reporting ill-treatment of child

**41.**—(1) Every person having information of the abandonment, desertion, physical ill-treatment or need for protection of a child shall report the information to a children's aid society or Crown attorney.

#### Privilege abolished

(2) Subsection 1 applies notwithstanding that the information is confidential or privileged, and no action shall be instituted against the informant unless the giving of the information is done maliciously or without reasonable and probable cause. *New*.

#### Causing child to beg, perform, etc.

**42.**—(1) Every person who,

- (a) causes or procures a child to be in any public place for the purpose of begging or receiving alms or of

inducing

inducing the giving of alms, whether under the presence of singing, playing, performing, offering anything for sale or otherwise; or

- (b) causes or procures a child to be in any public place for the purpose of singing, playing or performing for profit or offering anything for sale between 9 o'clock in the afternoon of any day and 6 o'clock in the morning of the following day; or
- (c) subject to subsection 2, causes or procures a child to be at any time for the purpose of singing, playing or performing for profit or offering anything for sale in any circus, theatre or other place of public amusement to which the public is admitted by payment,

is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$100 or to imprisonment for a term of not more than six months, or to both.

(2) In the case of an entertainment or series of entertainments to take place in premises used for public entertainment or in a circus, theatre or other place of public amusement, where it is shown that provision has been made to ensure the health and proper treatment of a child proposed to be employed thereat, the head of the council of the municipality may, with the approval of the children's aid society, grant a licence for such time and during such hours of the day and subject to such restrictions and conditions as he thinks fit for any child who in his opinion is a fit and proper person to take part in such entertainment or series of entertainments, and the licence may at any time be varied, added to or revoked by him with the approval of the children's aid society.

Licence for  
child to  
perform in  
public

(3) The municipal council shall assign to a person the duty of seeing that the restrictions and conditions of any licence granted under subsection 2 are duly complied with, and such person may enter, inspect and examine any place at which the employment of a child is for the time being licensed, and that duty shall be discharged by the chief constable of the municipality until some other person is appointed. R.S.O. 1960, c. 53, s. 35.

Officer to  
supervise  
licensed  
child

**43.—**(1) No girl under sixteen years of age and no boy under twelve years of age shall engage in or be licensed or permitted to engage in any street trade or occupation.

Street  
trades, girls  
under 16  
and boys  
under 12

(2) No boy twelve or more years of age and under sixteen years of age shall engage in any street trade or occupation between the hours of 9 o'clock in the afternoon and 6 o'clock in the morning of the following day. R.S.O. 1960, c. 53, s. 36 (1, 2).

boys  
12 to 16

Boy or girl  
under 16  
loitering  
in public  
place at  
night

(3) No boy or girl under sixteen years of age shall loiter in any public place between the hours of 10 o'clock in the afternoon and 6 o'clock in the morning of the following day or be in any place of public resort or entertainment during such hours unless accompanied by his or her parent or an adult appointed by the parent to accompany the boy or girl.

Warning

(4) A boy or girl found contravening any provision of this section may be warned by a constable, and, if the warning is not regarded or if, after the warning, the boy or girl is again found contravening any provision of this section, the boy or girl may be taken by the constable to the home of the boy or girl or to a place of safety and dealt with as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 36 (3, 4), *amended*.

Offence

(5) A parent who permits his boy or girl to contravene any provision of this section is guilty of an offence and on summary conviction before a judge is liable to a fine of not more than \$25 and, for any subsequent offence, to a fine of not more than \$100. R.S.O. 1960, c. 53, s. 36 (5); 1962-63, c. 12, s. 4.

Pre-  
sumption  
as to age  
of child

44. Where a person is charged with an offence under this Part in respect of a child who is alleged to be under a specified age and the child appears to the judge to be under that age, the child shall for the purposes of this Part be deemed to be under that age unless the contrary is proved. R.S.O. 1960, c. 53, s. 37.

Separate  
place of  
detention

45.—(1) A child who is charged with an offence or brought before a judge under this Part shall not, before his trial or hearing, be confined in a place used for persons charged with crime.

Idem

(2) The council of every city, town, village and township shall make provision for the separate detention of every such child prior to his trial or hearing by arrangement with a person or society willing to undertake the responsibility of such detention on such terms as are agreed upon, or by providing suitable premises entirely distinct and separated from the ordinary lock-up and jail.

Idem

(3) A child lawfully in custody shall not be placed or allowed to remain in the company of adult prisoners. R.S.O. 1960, c. 53, s. 38 (1-3), *amended*.

Alternative  
proceedings

(4) Where it appears to the judge that the interest of a child charged with an offence under section 43 will be best served thereby, the child may be dealt with by the judge in the same manner as though the child had been brought before him as a child apparently in need of protection. R.S.O. 1960, c. 53, s. 38 (6), *amended*.



**46.**—(1) Where a child is brought before a judge under this Part, the hearing shall be held in premises maintained specifically for the purpose or in the private office of the judge or in other suitable premises, but the hearing shall not be held in premises ordinarily used for hearings by magistrates. R.S.O. 1960, c. 53, s. 39 (1), *amended*. Place of hearing

(2) Where a child or parent is brought before a judge for trial or hearing under this Part, the judge shall exclude from the room all persons, other than the counsel and witnesses in the case, officers of the law or of a children's aid society and friends and relatives of the child or parent, and he may exclude any or all the friends and relatives as he thinks proper. R.S.O. 1960, c. 53, s. 39 (2). Exclusion of public, etc.

(3) Where a hearing is held under this Part, whether upon an application or by way of a trial or appeal, no person shall publish the name of the child or his parent concerned in the hearing by newspaper or other publication or by broadcast or any other means, except with the leave of the person holding the hearing. *New*. Information not to be published

**47.**—(1) Where, by an order or orders made by a court of competent jurisdiction in any other province or territory of Canada or in any other state or country that is specified in the regulations, full and lawful parental rights and responsibilities in respect of a child have been legally vested in any person, organization, province, state, country or legal representative thereof, the order or orders so made shall for all purposes in Ontario have the same force and effect as if made under this Act. Effect of order of court in other jurisdiction

(2) Where, as a requirement of the making of an order or orders of a court referred to in subsection 1, any statement, consent, declaration or similar document in writing is made by the person, organization, province, state, country or legal representative thereof in whom the full and lawful parental rights and responsibilities have been legally vested by such order or orders, such statement, consent, declaration or similar document in writing shall for all purposes in Ontario have the same force and effect as if made under this Act. 1961-62, c. 14, s. 4. Idem

### PART III

#### PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

**48.**—(1) In this Part, "judge" means the judge of a juvenile and family court. Interpretation

(2) Proceedings under this Part shall be heard by a judge. R.S.O. 1960, c. 53, s. 41, *amended*. By whom cases to be heard



Where  
society not  
to intervene

**49.** Nothing in this Part requires a children's aid society to intervene in the care and maintenance of a child born out of wedlock where the child has been adopted in accordance with the laws of Ontario or where the child is being cared for voluntarily by a person whom the society considers suitable to have charge of the child. R.S.O. 1960, c. 53, s. 42, *amended*.

Agreement  
for main-  
tenance of  
the child

**50.**—(1) Where a child is born out of wedlock and no agreement between the mother and the putative father with respect to the care and maintenance of the child is in force, a society and the mother of the child may enter into an agreement with the putative father of the child for the payment of money by the putative father in respect of the expenses and maintenance mentioned in subsection 1 of section 59, and, if the financial circumstances of the putative father change at any time, the terms of the agreement may be varied by the parties accordingly.

Idem

(2) Where a putative father enters into an agreement under subsection 1 in which he agrees to pay a fixed amount in respect of the maintenance mentioned in subsection 1 of section 59, the agreement shall provide for the fixed amount to be paid within twelve months from the date on which the agreement is made.

Payment  
of money  
under  
agreement

(3) The money payable under an agreement made under subsection 1 shall be paid in the first instance to the society that is party to the agreement.

Idem

(4) The money so paid to a society,

- (a) if it is paid in respect of the expenses mentioned in subsection 1 of section 59, shall be apportioned, if necessary, and paid over by the society in accordance with the circumstances of the case to the person or persons who incurred the expenses;
- (b) if it is paid in periodic payments in respect of the maintenance mentioned in subsection 1 of section 59, shall be paid over by the society to the person having the care and custody of the child; or
- (c) if it is a fixed amount paid in respect of the maintenance mentioned in subsection 1 of section 59, shall be dealt with by the society as provided in section 66. R.S.O. 1960, c. 53, s. 43 (1-4).

Default  
under  
agreement

(5) Where the putative father is in default in payment of money under an agreement made under subsection 1, the mother or the society, or the mother and the society together, may make an application to a judge for an order to enforce

the

the agreement, and, where the putative father continues in default for a period of sixty days and an application for an order to enforce the agreement has not been made, the society shall within the next following period of thirty days make an application to a judge for an order to enforce the agreement. R.S.O. 1960, c. 53, s. 43 (5); 1961-62, c. 14, s. 5 (1).

**51.** Notwithstanding that an agreement has been entered into, an application may be made to a judge at any time for an affiliation order, Application for affiliation order

- (a) by the mother of a child born out of wedlock;
- (b) by the next friend or guardian of a child born out of wedlock;
- (c) by a society; or
- (d) with the approval of a society, by any person or municipality having an apparently legitimate claim for reimbursement of moneys expended or payments of moneys charged in consequence of the mother's pregnancy, the birth of the child, the death of the child, the maintenance of the child or the maintenance of the mother. R.S.O. 1960, c. 53, s. 44, *amended*.

**52.**—(1) For the purposes of an application under this Part, where the putative father or the mother is under the age of twenty-one years, the Official Guardian or any other person appointed by the judge shall be the guardian *ad litem* of the putative father or the mother, as the case may be, with the duty of safeguarding his or her interests before the court, and the judge may make such order as to the costs of the guardian *ad litem* as he deems just. *New.* Infancy of mother or putative father

(2) A society may institute or continue proceedings under this Part even though the mother has died. R.S.O. 1960, c. 53, s. 45. Death of mother

**53.** No affiliation order shall be made under section 59 unless the application therefor is made in the lifetime of the putative father, and, When application to be made

- (a) within two years from the birth of the child;
- (b) within one year after the doing of any act on the part of the putative father that affords evidence of acknowledgment of paternity; or

(c)

- (c) within one year after the return to Ontario of the putative father where he was absent from Ontario at the expiration of the period of two years from the birth of the child. R.S.O. 1960, c. 53, s. 46, *amended*.

Powers  
of judge

**54.** In proceedings under this Part, the judge has the power of summoning any person and requiring him to give evidence on oath and to produce all documents and things as may be relevant, and has the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1960, c. 53, s. 47.

Proceedings  
to be  
private

**55.** All proceedings under this Part shall be heard by the judge in private. R.S.O. 1960, c. 53, s. 48.

Corroborative  
evidence  
required

**56.** No affiliation order shall be made under section 59 upon the evidence of the mother of the child unless her evidence is corroborated by some other material evidence. R.S.O. 1960, c. 53, s. 49.

Appoint-  
ment for  
hearing;  
notice

**57.**—(1) Where an application for an affiliation order or an order to enforce an agreement is made to a judge, the judge shall appoint in writing a time and place at which the application will be heard, and notice in writing thereof shall be served personally or in such other manner as the judge directs upon the putative father at least seven days before the day so appointed. R.S.O. 1960, c. 53, s. 50 (1); 1962-63, c. 12, s. 5.

Arrest  
of putative  
father

(2) Where the judge is satisfied that there is good and probable cause for believing that the putative father of the child is in fact the father of the child and that the putative father is about to quit the territorial jurisdiction of his court with the intention of avoiding service of the notice in writing referred to in subsection 1 or of evading his obligations in respect of the child and the child's mother, whether before or after an affiliation order has been made, the judge may issue a warrant for the arrest of the putative father and upon his arrest may require him to give security for such sum and in such manner and upon such condition as the judge directs, and, if the security is not given, the judge may order the putative father to be imprisoned for a period of not more than three months unless the security is sooner given or the putative father has sooner complied with the condition so imposed. R.S.O. 1960, c. 53, s. 50 (2).

Where  
putative  
father fails  
to appear

**58.** Where the putative father who has been served with notice of the application for an affiliation order or an order to enforce an agreement fails to appear at the hearing or to

show sufficient reason for not appearing, the judge in the absence of the putative father and upon sufficient evidence being adduced before him may make an order against the putative father under section 59 or he may make such other order as he considers just. R.S.O. 1960, c. 53, s. 51; 1962-63, c. 12, s. 6.

**59.**—(1) Where the putative father appears in pursuance of the notice of the application served upon him under section 57, the judge upon sufficient evidence being adduced before him may make an order declaring the putative father to be in fact the father of the child and requiring him, in accordance with the circumstances of the case,

Affiliation  
order, where  
putative  
father  
appears

(a) to pay the reasonable expenses for the maintenance and care, medical and otherwise, of the mother of the child during her pregnancy and at the birth of the child, her burial expenses if she dies as a consequence of her pregnancy or of the birth of the child, and the burial expenses of the child if the child dies; and

(b) to make periodic payments or to pay a fixed amount for the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

(2) A judge may in an affiliation order made under this section order the mother of the child to make periodic payments or to pay a fixed amount to assist in the maintenance of the child until the child attains the age of sixteen years or until the child is adopted under Part IV or until the child dies.

Contribu-  
tions by  
mother

(3) In estimating the amount of the periodic payments or the fixed amount for maintenance to be paid by the father under subsection 1, the judge shall fix such payments or amount as will enable the child to maintain a reasonable standard of life, having regard to what the child would have enjoyed had the child been born in lawful wedlock, but the judge shall take into consideration the ability of the father to provide such payments or amount and the ability of the mother to assist in the maintenance of the child.

Considera-  
tions in  
fixing sums

(4) Any fixed amount ordered to be paid under this section shall be paid within twelve months from the date of the affiliation order.

When fixed  
sum to be  
paid

(5) Any balance of a fixed amount paid under this section shall, if the child dies before attaining the age of sixteen years, revert to the father or mother, as the case may be, unless otherwise ordered by a judge. R.S.O. 1960, c. 53, s. 52.

Death  
of child



Payment  
of money  
under  
affiliation  
order

**60.**—(1) Any money payable under an affiliation order made under section 59 shall be paid in the first instance to the judge making the order or to an official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (1).

Idem

(2) Where the child of an unmarried mother is in the care of a children's aid society and the father is in default of payment under an affiliation order, the children's aid society shall make every effort to ensure the collection of the arrears under subsection 1 and may take any legal remedies available to the mother. *New.*

Idem

(3) Any money so paid for expenses under subsection 1 of section 59 shall be apportioned, if necessary, and paid over in accordance with the circumstances of the case to the person or persons who incurred the expenses. R.S.O. 1960, c. 53, s. 53 (2).

Idem

(4) Any money so paid as periodic payments for maintenance under subsection 1 or 2 of section 59 shall be paid over to the person having the care of the child on whose behalf the payments were made. R.S.O. 1960, c. 53, s. 53 (3), *amended.*

Idem

(5) Any money so paid as a fixed amount for maintenance under subsection 1 or 2 of section 59 shall be dealt with as provided in section 66 by the judge or the official of the court designated by the judge. R.S.O. 1960, c. 53, s. 53 (4).

Order to  
report to  
officer

**61.**—(1) Where the child for whose benefit the order for maintenance is made is a public charge or the judge is of the opinion that, if there is default in the order, the child is likely to be a public charge, the judge may, in the order, order any person required to make payments thereunder to report to a probation officer at such times and places as the judge deems necessary for the purpose of ensuring that such person is complying with the order. R.S.O. 1960, c. 53, s. 54 (1), *amended.*

Officer  
to be  
designated

(2) Where a judge orders a person to report to a probation officer under this section, he shall designate the officer and may by further order change the designation.

Failure  
to report

(3) Every person who without reasonable excuse fails to report to a probation officer when ordered so to do under this section is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than three months.



(4) An order made under this section certified by the judge <sup>Proof of order</sup> or a certificate of a judge as to the making of an order by him is receivable in evidence as proof of the making of such order in any prosecution under this section without proof of the office or signature of the person certifying. R.S.O. 1960, c. 53, s. 54 (2-4).

**62.** Where an affiliation order has been made or an applica- <sup>Re-opening of application</sup> tion for an affiliation order has been dismissed, a judge may, on the discovery of new evidence or of fraud, grant leave to re-open and may re-open and reconsider his decision. R.S.O. 1960, c. 53, s. 55, *amended*.

**63.** Where an order for the payment of money has been <sup>Variation of orders</sup> made in an affiliation order under this Part, a judge may at any time vary or rescind the order for the payment of money as he sees fit, and any order so varied may be enforced in the same manner as the original order. R.S.O. 1960, c. 53, s. 56.

**64.**—(1) A decision granting or refusing an order under <sup>Appeal to county court judge</sup> this Part may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is also the county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

(2) A decision upon an appeal under subsection 1 is subject <sup>Appeal to Court of Appeal</sup> to an appeal to the Court of Appeal. R.S.O. 1960, c. 53, s. 57, *amended*.

**65.**—(1) A judge may make an order under this Part not- <sup>Order where parent an infant</sup> withstanding the infancy of either parent. *New*.

(2) Any order made under this Part may be enforced in the <sup>Enforcement of orders</sup> same manner and by the like proceedings as,

(a) an order made under *The Deserted Wives' and Children's Maintenance Act*; <sup>R.S.O. 1960, c. 105</sup>

(b) an order made or fine imposed under *The Summary Convictions Act*; or <sup>R.S.O. 1960, c. 387</sup>

(c) a judgment of the division court, where the order has been filed with the clerk of a division court, whereupon proceedings by way of execution, garnishment proceedings or judgment summons, *inter alia*, may be used to enforce the order. R.S.O. 1960, c. 53, s. 58.

Money not  
immediately  
required

**66.** The portion of a fixed amount paid under an agreement made under section 50 or under an affiliation order made under section 59 that is not required immediately by the society that is a party to the agreement or by the judge who made the order, as the case may be, to pay the expenses or the maintenance mentioned in subsection 1 of section 59 shall be paid over to the Public Trustee by the judge or the society, and the money so paid over shall be invested by the Public Trustee but is subject to withdrawal of any amounts from time to time upon the written requisition of a judge or of a society. R.S.O. 1960, c. 53, s. 59.

Deceased  
father's  
estate  
bound

**67.**—(1) An agreement made under section 50 or an order for payment of money in an affiliation order made under subsection 1 of section 59 binds the estate of the putative father or the father after his death, and any moneys payable thereunder are a debt due from and chargeable upon his estate and are recoverable at the suit of the society in the case of an agreement or by the person having the care and custody of the child in the case of an order, but every such agreement or order is, as to any payment falling due before or after his death, subject to review under section 63.

Proceedings  
after death  
of father

(2) No action or other proceeding shall be taken on any such agreement or order after the death of the putative father or the father without the leave of a judge of the court in which the action or other proceeding is to be brought, and the judge before granting leave shall direct notice to be given to the widow and legitimate children of the putative father or the father and to all other persons interested in his estate.

Widow, etc.,  
not to be  
prejudiced

(3) Where in any such action or other proceeding it appears to the judge that the terms of the agreement or order cannot be carried out without depriving the widow or legitimate children of the putative father or the father of necessary maintenance, the judge may, having regard to all the circumstances, vary the agreement or order to such an extent and in such manner as to make equitable provision for the widow, the legitimate children and the child or children born out of wedlock. R.S.O. 1960, c. 53, s. 60, *amended*.

Payment  
of costs

**68.** A judge has power to direct payment of the costs of any proceeding taken before him under this Part. R.S.O. 1960, c. 53, s. 61.

## PART IV

### ADOPTION

Interpre-  
tation

**69.** In this Part, "child" means a person whether under twenty-one years of age or twenty-one or more years of age. R.S.O. 1960, c. 53, s. 62, *amended*.

**70.**—(1) The Supreme Court or the county or district <sup>Jurisdiction of courts</sup> court of the county or district in which either the applicant or the child sought to be adopted resides at the time of the application for an adoption order has jurisdiction to make the order.

(2) An application for an adoption order shall be heard and <sup>Application to be heard in chambers</sup> determined in chambers.

(3) Where an application for an adoption order is not heard <sup>Stale applications</sup> by the court within the twelve months next following the signing of the application by the applicant, it shall not be proceeded with, but another application may be made in its stead.

(4) For the purpose of an application for an order for the <sup>Guardian ad litem</sup> adoption of a child under twenty-one years of age, the court may appoint a person to act as guardian *ad litem* of the child upon the hearing of the application with the duty of safeguarding the interests of the child before the court, and the court may direct the applicant to pay the costs of the person so appointed. R.S.O. 1960, c. 53, s. 63.

**71.** The court may make an order for the adoption of any <sup>Where order may be made</sup> child resident in Ontario upon application therefor being made in the prescribed manner by a person resident in Ontario, notwithstanding the infancy of the child or its parent. R.S.O. 1960, c. 53, s. 64; 1961-62, c. 14, s. 8, *amended*.

**72.**—(1) The court shall not make an adoption order, <sup>Where order not to be made</sup>

(a) where the applicant is under twenty-one years of age or, in the case of a joint application by a husband and wife, where the husband is under twenty-one years of age;

(b) where the applicant is a male and the child sought to be adopted is a female under twenty-one years of age; or

(c) where the applicant is unmarried, a widow, a widower or a divorced person,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order. R.S.O. 1960, c. 53, s. 65 (1); 1962-63, c. 12, s. 7.

(2) Except in the case of a joint application by a husband <sup>Adoption by more than one person</sup> and wife, an order shall not be made for the adoption of a child by more than one person.

Consent of  
adopting  
spouse

(3) An adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse. R.S.O. 1960, c. 53, s. 65 (2, 3).

Child 21  
or over  
or under  
21 and  
married

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall not be made unless the court is satisfied that the child has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under a *de facto* adoption. R.S.O. 1960, c. 53, s. 65 (4), *amended*.

Consent,  
where child  
born in  
wedlock

**73.**—(1) An order for the adoption of a child under twenty-one years of age who was born in wedlock and who has not been married shall be made only with the written consent, given after the child was seven days old, of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the child, but any person who has given his consent may cancel it within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (1); 1961-62, c. 14, s. 9.

Idem,  
where child  
born out  
of wedlock

(2) An order for the adoption of a child under twenty-one years of age who was born out of wedlock and who has not been married shall be made only with the written consent of the mother, given after the child was seven days old, and, where the child resides with and is maintained by the father, with the written consent of the father, but the mother or father may cancel such consent within twenty-one days after it was given by a document in writing to that effect. R.S.O. 1960, c. 53, s. 66 (2).

Idem,  
Crown ward

(3) An order for the adoption of a child who is a Crown ward shall be made only with the written consent of the Director, in which case no other consent is required. R.S.O. 1960, c. 53, s. 66 (3), *amended*.

Idem,  
child 21  
or over  
or under  
21 and  
married

(4) An order for the adoption of a child who is twenty-one or more years of age or who is under twenty-one years of age and has been married shall be made only with the written consent of the child, and, where the child is married, with the written consent of the spouse. R.S.O. 1960, c. 53, s. 66 (4), *amended*.

Where  
consent not  
given

(5) Where a consent required by this section has not been given, the court may dispense with the requirement if, having regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

Where  
consent  
given

(6) Where a consent required by this section has been given, it may be withdrawn by the person giving it only if, having



regard to all the circumstances of the case, the court is satisfied that it is in the best interests of the child that the consent be withdrawn. R.S.O. 1960, c. 53, s. 66 (5, 6).

**74.** An affidavit of execution in the prescribed form shall <sup>Affidavit of execution</sup> be attached to every consent required under this Part and to every cancellation under subsection 2 of section 73. R.S.O. 1960, c. 53, s. 67.

**75.—**(1) An adoption order in respect of a child who is <sup>Director's certificate</sup> under twenty-one years of age and who has not been married shall not be made unless the Director certifies in writing,

- (a) that the child has resided for six months or more with the applicant and that during that period the conduct of the applicant and the conditions under which the child has lived have been such as in the opinion of the Director justify the making of the order; or
- (b) that the applicant is to the knowledge of the Director a proper person to have the care and custody of the child and that for the reasons set out in the certificate it is in the best interests of the child that the period of residence be dispensed with,

and the Director, in giving his certificate under clause *a* or *b*, may bring to the attention of the court any additional circumstances of the case that, in his opinion, the court may wish to take into account before the making of the order. R.S.O. 1960, c. 53, s. 68 (1); 1961-62, c. 14, s. 10, *amended*.

(2) In the case of a child referred to in subsection 1 who <sup>Local director's certificate</sup> has been placed for adoption by a children's aid society, the certificate referred to in clause *a* of that subsection is sufficient if it is signed by the local director. R.S.O. 1960, c. 53, s. 68 (2).

**76.** The court before making an adoption order shall be <sup>Duty of court</sup> satisfied,

- (a) that every person who has given a consent under this Part understands the nature and effect of the adoption order; and
- (b) that the order will be in the best interests of the child. R.S.O. 1960, c. 53, s. 69.

**77.—**(1) Upon an adoption order being made and unless <sup>Surname</sup> the adoption order provides for the adopted child to retain his surname, the adopted child shall assume the surname of the adopting parent.



Given  
names

(2) In an adoption order, the court may in its discretion change the Christian or given name or names as the adopting parent desires, and thereafter the adopted child is entitled to and is to be known by the name or names so given. R.S.O. 1960, c. 53, s. 70.

Born out  
of wedlock  
not to  
appear

**78.** If the adopted child was born out of wedlock, that fact shall not appear upon the adoption order. R.S.O. 1960, c. 53, s. 71.

Papers to  
be sealed  
up

**79.**—(1) The papers used upon an application for an adoption order shall be sealed up and filed in the office of the court by the proper officer of the court and shall not be open for inspection except upon an order of the court or the written direction of the Director. R.S.O. 1960, c. 53, s. 72.

Trans-  
mission  
of order

(2) Within thirty days after the making of an adoption order, the proper officer of the court shall cause to be made a sufficient number of certified copies thereof under the seal of the proper certifying authority and shall transmit,

- (a) the original order to the adopting parent;
- (b) one certified copy to the Director; and
- (c) one certified copy to the Registrar General, or, where the adopted child was born outside Ontario, two certified copies to the Registrar General. R.S.O. 1960, c. 53, s. 73; 1961-62, c. 14, s. 11.

Interim  
order

**80.**—(1) Upon an application for an adoption order, the court, with the written approval of the Director, may postpone the determination of the application and make an interim order giving the custody of the child sought to be adopted to the applicant for a period not exceeding one year by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the child and otherwise as the court thinks fit.

Idem

(2) An interim custody order is not an adoption order.

Consents

(3) All consents required for an adoption order are necessary for an interim custody order, subject to a like power in the court to dispense with any such consent requirement.

Residence  
outside  
Ontario

(4) Where an applicant has obtained an interim custody order and subsequently takes up residence outside Ontario, the court may nevertheless make the adoption order applied for if the Director makes the certificate mentioned in section 75. R.S.O. 1960, c. 53, s. 74.

**81.** An adoption order or an interim custody order may be made in respect of a child who has previously been the subject of an adoption order, and the adopting parent under the adoption order last previously made shall, if living, be deemed to be the parent of the child for the purposes of this Part. R.S.O. 1960, c. 53, s. 75. Effect of order on previous adoption

**82.**—(1) For all purposes, the adopted child, upon the adoption order being made, becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted child as if the adopted child had been born in lawful wedlock to the adopting parent. Status of adopted child

(2) For all purposes, the adopted child, upon the adoption order being made, ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted child. R.S.O. 1960, c. 53, s. 76 (1, 2). Idem

(3) Any reference to "child", "children" or "issue" in a will or other document, whether heretofore or hereafter made, shall be deemed to include an adopted child. *New.* Reference to "child", "children" or "issue"

(4) The relationship to one another of all persons, whether the adopted child, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order and the kindred of that parent or any other person, shall be determined in accordance with subsections 1, 2 and 3. Idem

(5) Subsections 2 and 4 do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage to remove any person from a relationship in consanguinity that, but for this section, would have existed. R.S.O. 1960, c. 53, s. 76 (3, 4). Exception

**83.** Every person heretofore adopted under the laws of Ontario and every person adopted under the laws of any other province or territory of Canada or under the laws of any other country shall for all purposes in Ontario be governed by this Part. R.S.O. 1960, c. 53, s. 77. Status of persons heretofore adopted

**84.**—(1) Every children's aid society shall endeavour to secure the adoption of Crown wards, having regard to the individual needs of each ward. Duty of children's aid society to secure adoption

(2) Every children's aid society shall, within one year after a Crown ward is committed to its care, report to the Director in the prescribed form the efforts made to secure the adoption of the ward and the facts relevant to his adoption. Report to Director

Idem

(3) Every children's aid society shall submit to the Director a quarterly return in the prescribed form showing, as at the end of each quarter, the adoption status of each Crown ward in its care and of applicants as adoptive parents. *New.*

Registration of placement

**85.**—(1) Every person, other than a children's aid society, who places a child with another person on the understanding that the other person will adopt the child shall, within thirty days after the day on which the child was so placed, register the placement with the Director in the prescribed form.

Information

(2) At the request of the Director, a children's aid society shall, within fifteen days after the receipt of the request, obtain such information respecting a placement as he requires and shall forthwith transmit the information to the Director together with its opinion as to the suitability of the placement.

Offence

(3) Every person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1960, c. 53, s. 79.

Penalty for payments in connection with adoptions

**86.** Every person who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, in consideration of the adoption of a child under this Part, or who gives or receives or agrees to give or to receive any payment or reward, either directly or indirectly, to procure a child for the purpose of adoption is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than three years, or to both. R.S.O. 1960, c. 53, s. 80.

## PART V

### REGULATIONS

Regulations

**87.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing additional duties of the Director;
- (b) prescribing the records that shall be kept by children's aid societies and the returns that shall be made under this Act;
- (c) requiring children's aid societies to make such returns and reports as are prescribed;
- (d) prescribing the standard of services that children's aid societies shall provide;
- (e) prescribing provisions to be included in the by-laws of children's aid societies;

(f)

- (f) prescribing adjustments in the determination of the population of a municipality for the purposes of section 8;
- (g) defining "operating costs" for the purposes of section 8;
- (h) prescribing the manner of determining the proportion of an approved estimate that is referable to each municipality in the area served by a children's aid society;
- (i) prescribing special needs of children for which joint facilities may be established under section 14;
- (j) prescribing the amount that shall be paid by parents for the purposes of subsection 1 of section 26;
- (k) governing the construction, alteration, remodelling, extension and equipment of receiving homes;
- (l) specifying jurisdictions other than provinces or territories of Canada for the purposes of section 47;
- (m) prescribing rules under which applications under this Act or any Part thereof are to be made, and dealing generally with all matters of procedure under this Act or any Part thereof;
- (n) for fixing fees, costs, charges and expenses payable on proceedings under this Act or any Part thereof and for dispensing with the payment of such fees, costs, charges and expenses where, owing to lack of means or for any other reason, the judge considers such action advisable;
- (o) prescribing forms and providing for their use;
- (p) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or any Part thereof. R.S.O. 1960, c. 53, s. 81, *amended*.

**88.** Where a child other than the child of an unmarried mother is in the care of a children's aid society immediately before this Act comes into force and the child belongs to a municipality other than a municipality in which the society has jurisdiction, as determined by the order committing the child to such care, the municipality to which the child belongs shall pay, and the municipality in which the society has

Transition  
for certain  
children in  
care when  
Act comes  
into force



jurisdiction may recover, an amount per day for the care of the child as determined in the manner prescribed by the Lieutenant Governor in Council by regulation. *New.*

**Moneys**

**89.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1966, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. *New.*

R.S.O. 1960,  
c. 53;  
1961-62,  
c. 14;  
1962-63,  
c. 12,  
repealed

**90.** *The Child Welfare Act, The Child Welfare Amendment Act, 1961-62 and The Child Welfare Amendment Act, 1962-63* are repealed.

**Commence-  
ment**

**91.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**92.** This Act may be cited as *The Child Welfare Act, 1965.*



## CHAPTER 15

## An Act to amend The Children's Institutions Act, 1962-63

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Children's Institutions Act, 1962-63* <sup>1962-63,  
c. 14, s. 5,  
re-enacted</sup> is repealed and the following substituted therefor:

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a children's institution have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation, erecting the new building or the addition, of an amount equal to the cost to the approved corporation of the new building or the addition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed. <sup>Grants for  
construction  
of buildings  
or additions</sup>

**2.** Section 6 of *The Children's Institutions Act, 1962-63* <sup>1962-63,  
c. 14, s. 6,  
re-enacted</sup> is repealed and the following substituted therefor:

6. When the acquisition of a building to be used as a children's institution has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved corporation, acquiring the building, of an amount equal to the cost to the approved corporation of the acquisition, computed in accordance with the regulations, but not exceeding an amount based upon the bed capacity of the building at the rate of \$1,200 per bed. <sup>Grants for  
acquisition  
of buildings</sup>

1962-63,  
c. 14, s. 7,  
re-enacted

**3.** Section 7 of *The Children's Institutions Act, 1962-63* is repealed and the following substituted therefor:

Subsidy for  
operating  
and main-  
tenance costs

7. Subject to section 8, there shall be paid to an approved corporation, out of the moneys appropriated therefor by the Legislature, an amount equal to 75 per cent of the cost to the corporation, computed in accordance with the regulations, of providing for the care and maintenance of those children who are residing in a children's institution that is maintained and operated by the corporation and who have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof.

1965, c. 14

1962-63,  
c. 14, s. 11,  
cls. *j*, *k*,  
repealed

**4.**—(1) Clauses *j* and *k* of section 11 of *The Children's Institutions Act, 1962-63* are repealed.

1962-63,  
c. 14, s. 11,  
cl. *l*,  
re-enacted

(2) Clause *l* of the said section 11 is repealed and the following substituted therefor:

(*l*) prescribing the manner of computing the cost of the care and maintenance of children in children's institutions for the purposes of section 7.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Children's Institutions Amendment Act, 1965*.

CHAPTER 16

An Act to amend The Community Centres Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Community Centres Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 60, s. 8,  
re-enacted
8. The Minister may make grants to a public, separate, continuation or high school board, or board of education, to provide for an athletic field, an outdoor swimming pool or an outdoor skating rink and, in the case of a school board or board of education having jurisdiction only in territory without municipal organization, to provide in addition for a community hall, on the same terms as set forth in this Act, except that such fields, pools, rinks and community halls shall be managed and conducted by the school board or board of education, and such property shall be vested in the school board or board of education, provided always that such fields, pools, rinks and community halls shall be available for the uses prescribed by the regulations.

Grants to  
school  
boards
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The Community Centres Amendment Act, 1965*.

Short title



## CHAPTER 17

## An Act to provide for the Establishment and Operation of Commuter Services

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act, "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council. Interpretation

**2.—(1)** The Minister is responsible for the administration of this Act. Administration of Act

**(2)** The Minister may delegate any of his powers under this Act to any one or more Crown employees as defined in *The Public Service Act, 1961-62*. Delegation 1961-62, c. 121

**3.—(1)** Her Majesty the Queen in right of the Province of Ontario, represented by the Minister, may, with the approval of the Lieutenant Governor in Council, enter into agreements with Canadian National Railways and any other corporation or individual, or any one or more of them, with respect to any matter or thing having as its object the establishment and operation, or either of them, of commuter services to serve any one or more areas in Ontario. Commuter service agreements authorized

**(2)** Any municipality, including any metropolitan municipality, is a corporation for the purpose of subsection 1, and is hereby authorized and empowered to enter into agreements thereunder. Idem, municipalities

**4.—(1)** The Minister may, with the approval of the Lieutenant Governor in Council, Acquisition of property

- (a) acquire by purchase, lease or otherwise any rolling stock, equipment, apparatus or thing; and
- (b) acquire by purchase, lease or otherwise or expropriate any land or any interest in land,

that



that may be required for the establishment and operation, or either of them, of any commuter service that is or is to be provided by agreement under section 3.

Expropria-  
tion  
procedure

(2) The Minister may exercise his power to expropriate land for the purposes of this Act by registering in the proper registry or land titles office a plan of the land signed by him.

Moneys

**5.** The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Commuter Services Act, 1965*.

## CHAPTER 18

**An Act to amend  
The Confederation Centennial Act, 1962-63**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 2 of *The Confederation Centennial Act, 1962-63* is repealed and the following substituted therefor: <sup>1962-63, c. 19, s. 2, subs. 2, re-enacted</sup>
- (2) The Minister, in accordance with the regulations, <sup>Idem, grants to municipalities</sup> may make grants out of the moneys that are appropriated therefor by the Legislature to any municipality, or to any band under the *Indian Act* (Canada) <sup>R.S.C. 1952, c. 149</sup> that is permitted to control, manage and expend its revenue moneys under section 68 of that Act, for the cost of any project or event to be undertaken in observance or commemoration of the Centennial.
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>
3. This Act may be cited as *The Confederation Centennial Amendment Act, 1965*. <sup>Short title</sup>



## CHAPTER 19

**An Act to amend  
The Construction Safety Act, 1961-62**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Construction Safety Act, 1961-62* <sup>1961-62, c. 18, s. 1, amended</sup> is amended by relettering clause *a* as clause *ab* and by adding thereto the following clauses:

- (a) “chief officer” means the officer of the Department of Labour designated by the Deputy Minister as chief officer for the purposes of this Act;
- (aa) “constructor” means a person who contracts with the owner of a project for the work thereon, and includes an owner who,
  - (i) contracts with more than one person for the work on a project, or
  - (ii) undertakes the work on a project or any part thereof;
- . . . . .
- (da) “owner” means the person for whose direct benefit a project exists upon its completion.

(2) Clause *f* of the said section 1, as re-enacted by section 2 <sup>1961-62, c. 18, s. 1, amended</sup> of *The Construction Safety Amendment Act, 1962-63*, is amended by inserting after “well” in the first line of subclause iv “other than an oil or gas well” and by adding at the end thereof <sup>(1962-63, c. 22, s. 2), amended</sup> “but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies”, so that the clause shall read as follows:

(f)

(f) "project" means,

(i) a building or other structure that is being constructed, altered, repaired, demolished or moved,

R.S.O. 1960,  
c. 407

(ii) a trench as defined in *The Trench Excavators' Protection Act* that is being excavated, altered, repaired or back-filled,

(iii) a street or highway that is being built, altered, repaired, demolished or moved,

(iv) a well, other than an oil or gas well, that is being dug, drilled, altered, repaired or back-filled,

and includes all appurtenances thereof, but does not include a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies.

R.S.O. 1960,  
c. 97

1961-62,  
c. 18, s. 1,  
amended

(3) The said section 1 is further amended by adding thereto the following clause:

(i) "subcontractor" means a person who contracts with a constructor for the work on part of a project, and includes a person who contracts with a subcontractor for work on a part of the project.

1961-62,  
c. 18, s. 3,  
subs. 1,  
cl. 6,  
amended

**2.** Clause *c* of subsection 1 of section 3 of *The Construction Safety Act, 1961-62* is amended by adding at the end thereof "and, notwithstanding clause *a*, the work is being done solely by the owner in person with or without the assistance of his farm help", so that the clause shall read as follows:

(c) that is situate on a farm and that is to be used or is used only for farming purposes and, notwithstanding clause *a*, the work is being done solely by the owner in person with or without the assistance of his farm help.

1961-62,  
c. 18, s. 7,  
subs. 1,  
amended

**3.—(1)** Subsection 1 of section 7 of *The Construction Safety Act, 1961-62* is amended by inserting after "municipalities" in the first line "that are required by this Act to appoint one or more persons as inspectors", so that the subsection shall read as follows:



- (1) The councils of two or more municipalities that are required by this Act to appoint one or more persons as inspectors may enter into an agreement under which the inspector or inspectors of one of them will enforce this Act and the regulations in the other or others upon such terms and conditions as are agreed upon.

Appointment and  
duties of  
inspectors,  
joint  
agreements

1961-62,  
c. 18, s. 7,  
subs. 2,  
repealed

- (2) Subsection 2 of the said section 7 is repealed.

4. Sections 8 and 9 of *The Construction Safety Act, 1961-62* are repealed.

1961-62,  
c. 18,  
ss. 8, 9,  
repealed

5.—(1) Subsection 1 of section 13 of *The Construction Safety Act, 1961-62* is amended by striking out “the same” in the fifth line and inserting in lieu thereof “any matter related to a project”.

1961-62,  
c. 18, s. 13,  
subs. 1,  
amended

(2) Subsection 2 of the said section 13 is amended by striking out “under subsection 1” in the fifth line and inserting in lieu thereof “in the exercise of his duties under this Act”, so that the subsection shall read as follows:

1961-62,  
c. 18, s. 13,  
subs. 2,  
amended

- (2) No person shall neglect or refuse to produce drawings and specifications as required by an inspector under subsection 1, and no person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act.

False  
information,  
etc.

6. Section 15a of *The Construction Safety Act, 1961-62*, as enacted by section 8 of *The Construction Safety Amendment Act, 1962-63*, is repealed and the following substituted therefor:

1961-62,  
c. 18, s. 15a  
(1962-63,  
c. 22, s. 8),  
re-enacted

15a.—(1) The official of a municipality who issues a building permit for a project shall within seven days of the issue thereof notify in writing the inspector appointed to enforce this Act in that municipality,

Notice of  
project,  
where  
building  
permit  
required

- (a) of the name and address of the person to whom the permit was given;
- (b) of the location and nature of the project; and
- (c) of the estimated cost of the project.

- (2) Where no municipal building permit for a project is required, the constructor of a project shall before commencing work on the project notify in writing the inspector appointed to enforce this Act in the locality in which the project is located,

Idem,  
where no  
building  
permit  
required

- (a) of his name and address;
- (b) of the location and nature of the project; and
- (c) of the estimated cost of the project.

1961-62,  
c. 18, s. 16,  
amended

7. Section 16 of *The Construction Safety Act, 1961-62*, as amended by section 9 of *The Construction Safety Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

Report  
as to  
offences

- (3) Every municipal inspector or, where there is more than one, the senior in appointment shall, immediately upon the disposition of each charge alleging a breach of this Act or the regulations in the municipality, submit to the Deputy Minister a report in the prescribed form of the disposition of the charge.

1961-62,  
c. 18, s. 17,  
subs. 1,  
cl. a,  
amended

8.—(1) Clause *a* of subsection 1 of section 17 of *The Construction Safety Act, 1961-62* is amended by inserting after “with” in the fifth line “to the satisfaction of an inspector”, so that the clause shall read as follows:

- (a) where the order specifies that it be carried out forthwith, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector; or

. . . . .

1961-62,  
c. 18, s. 17,  
subs. 1,  
cl. b,  
amended

(2) Clause *b* of subsection 1 of the said section 17 is amended by adding at the end thereof “to the satisfaction of an inspector”, so that the clause shall read as follows:

- (b) where the order specifies the period within which it is to be carried out and it is not carried out within that period, all work on the project or the part thereof specified in the order, other than such work as is necessary to carry out the order with safety, shall stop until the order is complied with to the satisfaction of an inspector.

1961-62,  
c. 18, s. 17,  
subs. 3,  
re-enacted

(3) Subsection 3 of the said section 17 is repealed and the following substituted therefor:

Duty to  
comply

- (3) Every person to whom an order under this Act is given shall comply with it in accordance with its terms.

1961-62,  
c. 18,  
amended

9. *The Construction Safety Act, 1961-62* is amended by adding thereto the following section:

Restraining  
orders

17a.—(1) Where a person is charged with failure to comply with the order of an inspector given under section 17, a judge or local judge of the Supreme

Court may, upon the application of the inspector who gave the order and upon two clear days notice to the accused person, grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge, other than such work as is necessary to carry out the inspector's order.

(2) A restraining order may be made under subsection 1 *Idem* *ex parte* for a period not exceeding five days.

(3) A restraining order under this section may be entered *Idem* and enforced in the same manner as an order or judgment of the Supreme Court.

**10.** Section 18 of *The Construction Safety Act, 1961-62* <sup>1961-62, c. 18, s. 18, re-enacted</sup> is repealed and the following substituted therefor:

18.—(1) A constructor shall ensure that the equipment, materials and the safeguards prescribed by the regulations are provided on the project. <sup>Duty of constructors</sup>

(2) A constructor shall ensure that such equipment, materials and safeguards as are provided by him are maintained in good condition and used as prescribed. *Idem*

(3) In addition to compliance with subsections 1 and 2, a constructor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the project. *Idem*

(4) Every subcontractor shall ensure that such equipment, materials and safeguards as are provided by him are maintained in good condition and used as prescribed. <sup>Duty of sub-contractors</sup>

(5) In addition to compliance with subsection 4, a subcontractor shall take every precaution that is reasonable in the circumstances to ensure the safety of all persons on the part or parts of the project under his direct control. *Idem*

**11.** *The Construction Safety Act, 1961-62* is amended by adding thereto the following section: <sup>1961-62, c. 18, amended</sup>

18a.—(1) No person under the age of sixteen years shall work on a project. <sup>Minimum age</sup>

(2) No person shall employ a person under the age of sixteen years on a project. *Idem*

Idem

- (3) Notwithstanding subsections 1 and 2, a person who has attained the age of fifteen years may be employed in such parts of a project as are designated by the regulations.

1961-62,  
c. 18, s. 19,  
amended

**12.** Section 19 of *The Construction Safety Act, 1961-62* is amended by striking out "workman" in the first line and inserting in lieu thereof "person", so that the section shall read as follows:

Offences

19. Every person on a project who,

- (a) by his conduct endangers his safety or that of other persons; or
- (b) fails to use or wear protective devices or clothing when required by his employer,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

1961-62,  
c. 18,  
amended

**13.** *The Construction Safety Act, 1961-62* is amended by adding thereto the following section:

Bodily injury

19b.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a person on a project whereby he is prevented or is likely to be prevented for three days from working and such occurrence does not require notice to an inspector under section 20, a notice in writing of the occurrence shall be given to the chief officer by the person's employer stating,

- (a) the person's name, age and address; and
- (b) the location, time, nature and cause of the occurrence.

Notice

- (2) Such notice shall be given within four days after the occurrence.

Idem

- (3) A true copy of the notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer as sufficient notice under subsection 1.

R.S.O. 1960,  
c. 437

1961-62,  
c. 18, s. 20,  
subs. 1a  
(1962-63,  
c. 22, s. 11,  
subs. 2),  
re-enacted

**14.** Subsection 1a of section 20 of *The Construction Safety Act, 1961-62*, as enacted by subsection 2 of section 11 of *The Construction Safety Amendment Act, 1962-63*, is repealed and the following substituted therefor:

(1a)



(1a) An inspector who receives a notice under subsection 1 shall, <sup>Notice to chief officer</sup>

- (a) immediately upon receipt thereof, notify the chief officer by telephone, telegram or in person of the occurrence mentioned in the notice;
- (b) immediately upon receipt of the employer's report under subsection 1, send a copy thereof to the chief officer; and
- (c) forthwith investigate the circumstances of the occurrence and, where practicable, determine the cause or causes of the occurrence, and report in writing thereon to the chief officer with his recommendations for preventing a repetition of the occurrence and, where the inspector is a municipal inspector, send a copy of the report to the council of his municipality.

**15.** Section 22 of *The Construction Safety Act, 1961-62* is <sup>1961-62, c. 18, s. 22, amended</sup> amended by adding thereto the following subsections:

- (2) Every person to whom an order is given under section 17 who fails to comply with it in accordance with its terms is guilty of an offence and on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$100 per day for every day upon which the offence continued after such order was given. <sup>Penalty for failure to comply with stop-work order</sup>
- (3) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$5,000 and not as provided therein. <sup>Penalty for corporation</sup>

**16.** Subsection 2 of section 24 of *The Construction Safety Act, 1961-62* is <sup>1961-62, c. 18, s. 24, subs. 2, amended</sup> amended by adding thereto the following clause:

- (ca) designating parts of projects for the purpose of section 18a.

**17.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**18.** This Act may be cited as *The Construction Safety Amendment Act, 1965*. <sup>Short title</sup>





## CHAPTER 20

## An Act to amend The Coroners Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Coroners Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 69, s. 5,  
amended

- (2) The supervising coroner may direct a coroner who is appointed for part of Ontario to perform the duties of a coroner in respect of a particular death in a part of Ontario that is outside the part for which he is appointed. Investiga-  
tions by  
coroner  
outside his  
jurisdiction

**2.** Section 7 of *The Coroners Act*, as re-enacted by section 3 of *The Coroners Amendment Act, 1960-61*, is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 69, s. 7  
(1960-61,  
c. 12, s. 3),  
amended

- (2) A statement as to the notification or non-notification of a coroner under subsection 1, purporting to be certified by the coroner, is, without proof of the appointment or signature of the coroner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. Certificate  
as evidence

**3.** Subsection 3 of section 10 of *The Coroners Act* is amended by inserting after "case" in the second line "except the supervising coroner or", so that the subsection shall read as follows: R.S.O. 1960,  
c. 69, s. 10,  
subs. 3,  
amended

- (3) After the issue of the warrant, no other coroner shall issue a warrant or interfere in the case, except the supervising coroner or except under the instructions of the Attorney General or the Crown attorney. Jurisdiction

**4.**—(1) Subsection 1 of section 12 of *The Coroners Act*, as amended by section 5 of *The Coroners Amendment Act, 1960-61*, is further amended by inserting after "attorney" in the third line "and the supervising coroner", so that the subsection shall read as follows: R.S.O. 1960,  
c. 69, s. 12,  
subs. 1,  
amended

Warrant for  
burial where  
inquest  
unnecessary

- (1) Where the coroner determines that an inquest is unnecessary, he shall issue his warrant to bury the body, and shall forthwith transmit to the Crown attorney and the supervising coroner a signed statement setting forth briefly the result of the investigation and the grounds on which the warrant has been issued, and shall also forthwith transmit to the division registrar a notice of the death in the form prescribed by *The Vital Statistics Act*.

R.S.O. 1960,  
c. 419

R.S.O. 1960,  
c. 69, s. 12,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 12 is amended by inserting after "Attorney General" in the second line "the supervising coroner", so that the subsection shall read as follows:

Crown may  
direct  
inquest

- (2) Notwithstanding that the matters mentioned in subsection 1 have taken place, the Attorney General, the supervising coroner or the Crown attorney may direct the coroner who determined that an inquest was unnecessary, or some other coroner, to hold an inquest upon the body, and the coroner to whom the direction is given shall forthwith issue his warrant for an inquest and hold it accordingly.

R.S.O. 1960,  
c. 69, s. 13,  
amended

5. Section 13 of *The Coroners Act*, as amended by section 6 of *The Coroners Amendment Act, 1960-61*, is further amended by inserting after "attorney" in the third line "and the supervising coroner", so that the section shall read as follows:

Warrant for  
inquest

13. Where the coroner determines that an inquest is necessary, he shall issue his warrant for an inquest, and shall forthwith transmit to the Crown attorney and the supervising coroner a signed statement setting forth briefly the result of the investigation and the grounds upon which he determined that an inquest should be held.

R.S.O. 1960,  
c. 69, s. 15,  
re-enacted

6. Section 15 of *The Coroners Act* is repealed and the following substituted therefor:

Circum-  
stances of  
death  
occurring  
outside  
jurisdiction

- 15.—(1) Where a coroner has issued his warrant to take possession of a body in his jurisdiction and it appears that the death resulted from any of the circumstances mentioned in section 7 and that such circumstances occurred at a place beyond his jurisdiction, he shall take possession of the body and shall view the body and make such further investigation as is required to enable him to determine whether or not a *post mortem* examination is required, and shall, with the consent of the Crown attorney in his jurisdiction,

transfer

transfer the investigation to a coroner having jurisdiction in the place where the circumstances occurred.

- (2) The coroner to whom the investigation is transferred shall proceed with the investigation in the same manner as if he had issued the warrant to take possession of the body. Investigation and inquest
- (3) The coroner who refers an investigation to a coroner in another jurisdiction shall notify the supervising coroner of the transfer, and the supervising coroner shall assist in the transfer upon request. Notification of supervising coroner
- (4) The coroner who refers an investigation to a coroner in another jurisdiction shall transmit to him the report of the *post mortem* examination of the body, his signed statement setting forth briefly the result of his investigation and any written evidence to prove the fact of death and the identity of the body, and the report, signed statement and written evidence are admissible in evidence at any inquest that may be held. Transmitting results of first investigation

7. Subsection 1 of section 20 of *The Coroners Act* is amended by striking out "ordered an inquest upon" in the first line and inserting in lieu thereof "issued his warrant to take possession of" and by inserting after "may" in the third line "with the approval of the supervising coroner", so that the subsection shall read as follows: R.S.O. 1960, c. 69, s. 20, subs. 1, amended

- (1) Where a coroner has issued his warrant to take possession of the body of a person who has met death by violence in a wreck, the coroner may, with the approval of the supervising coroner, take charge of the wreckage and place one or more constables in charge of it so as to prevent persons from disturbing it until the jury at the inquest has viewed it, or the coroner has made such examination as he deems necessary. Power of coroner to take charge of wreckage

8. Section 22 of *The Coroners Act* is amended by striking out "Where a prisoner in a reformatory, industrial farm, training school, jail or lock-up dies" in the first and second lines and inserting in lieu thereof "Where a person dies while in the custody of an officer of a reformatory, industrial farm, jail or lock-up or while a ward of a training school" and by inserting after "charge" in the second line "thereof", so that the section shall read as follows: R.S.O. 1960, c. 69, s. 22, amended

Death of  
person in  
reformatory,  
etc.

22. Where a person dies while in the custody of an officer of a reformatory, industrial farm, jail or lock-up or while a ward of a training school, the officer in charge thereof shall immediately give notice of the death to a coroner, and the coroner shall issue his warrant and hold an inquest upon the body.

R.S.O. 1960  
c. 69, s. 23  
(1960-61,  
c. 12, s. 9),  
amended

- 9.** Section 23 of *The Coroners Act*, as re-enacted by section 9 of *The Coroners Amendment Act, 1960-61*, is amended by adding thereto the following subsection:

Report

- (1a) The person who performs the *post mortem* examination shall forthwith report his findings in writing to the coroner who issued the warrant and shall send a copy of the report to the supervising coroner.

R.S.O. 1960,  
c. 69, s. 25,  
subs. 1,  
amended

- 10.** Subsection 1 of section 25 of *The Coroners Act* is amended by inserting after "by" in the second line "the supervising coroner", so that the subsection shall read as follows:

Witnesses

- (1) The coroner shall summon such persons to attend an inquest as he deems advisable or as are directed by the supervising coroner, the Crown attorney or the counsel for the Attorney General.

R.S.O. 1960,  
c. 69, s. 26,  
amended

- 11.** Section 26 of *The Coroners Act* is amended by renumbering subsection 1 as subsection 1a and by adding thereto the following subsection:

Juries

- (1) Except as provided in subsection 3, every inquest shall be held with a jury.

R.S.O. 1960,  
c. 69, s. 35,  
amended

- 12.** Section 35 of *The Coroners Act* is amended by adding at the end thereof "and shall transmit a copy of the verdict and recommendations to the supervising coroner", so that the section shall read as follows:

Return of  
inquisition

35. The coroner shall forthwith, after an inquest, return the verdict or finding and every recognizance taken before him, with the evidence where the Attorney General or Crown attorney has ordered it to be transcribed, and the exhibits, to the Crown attorney, and shall transmit a copy of the verdict and recommendations to the supervising coroner.

R.S.O. 1960,  
c. 69, s. 37,  
amended

- 13.** Section 37 of *The Coroners Act* is amended by adding thereto the following subsection:

(1a)



(1a) Where an investigation is made by more than one <sup>Idem</sup> coroner under section 15, the fee prescribed by Schedule A for the investigation shall be paid to each coroner making the investigation.

14. Schedule B to *The Coroners Act* is amended by adding thereto the following item: R.S.O. 1960,  
c. 69,  
Sched. B,  
amended

3. Where a juror resides elsewhere than the place where the inquest was held and in the opinion of the coroner or the Crown attorney it is desirable that he remain over-night at such place, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

15. Item 8 of Schedule C to *The Coroners Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 69,  
Sched. C,  
item 8,  
re-enacted

8. Where a witness resides elsewhere than the place where the inquest was held and in the opinion of the Crown attorney or coroner it is desirable that he remain over-night at such place, a sum equal to the amount reasonably and actually paid by him for living expenses, but not more than \$8 for each night.

16. Items 3 and 4 of Schedule D to *The Coroners Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 69,  
Sched. D,  
items 3, 4,  
re-enacted

3. For any other examination or analysis, such fee as is authorized by the coroner, but the fee shall not exceed \$15 without the approval of the supervising coroner.
4. For the use of facilities for autopsy in a hospital, for each autopsy. . . . . 25.00
5. For the use of facilities for autopsy in a place other than a hospital, for each autopsy. . . . . 20.00
6. For each mile necessarily travelled for the purpose of transporting a dead body for further investigation, upon the authorization of the coroner. . . . . .30
7. For each mile necessarily travelled in connection with an examination or analysis. . . . . .10

17. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

18. This Act may be cited as *The Coroners Amendment Act*, Short title  
1965.



## CHAPTER 21

## An Act to amend The Corporations Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *m* of subsection 2 of section 208 of *The Corporations Act*, as amended by subsection 1 of section 2 of *The Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *m*, re-enacted

(*m*) ground rents, mortgages, hypothecs on real estate in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the mortgage or hypothec in which the investment is made, shall not exceed 75 per cent of the value of the real estate covered thereby. real estate mortgages

(2) Subclause *i* of clause *o* of subsection 2 of the said section 208, as re-enacted by subsection 4 of section 7 of *The Corporations Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *o*, (1962-63, c. 24, s. 7, subs. 4), subcl. *i*, re-enacted

(i) a lease of the real estate or leasehold is made to, or guaranteed by,

- a. a corporation that, at the date of the investment, is one described in subclause *i* of clause *j*, or
- b. the government, or any agency of the government, of the country in which the real estate or leasehold is situated or of a province, state or municipality of that country.

(3) Subclause *iii* of clause *o* of subsection 2 of the said section 208, as re-enacted by subsection 4 of section 7 of *The Corporations* R.S.O. 1960, c. 71, s. 208, subs. 2, cl. *o*, (1962-63, c. 24, s. 7, subs. 4), subcl. *iii*, amended

*Corporations*

*Corporations Amendment Act, 1962-63*, is amended by striking out "1" in the third line and inserting in lieu thereof "2", so that the subclause shall read as follows:

- (iii) the total investment of an insurer in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the insurer.

R.S.O. 1960,  
c. 71, s. 208,  
subs. 2,  
cl. g,  
re-enacted

(4) Clause *g* of subsection 2 of the said section 208, as amended by subsection 2 of section 2 of *The Corporations Amendment Act, 1960-61*, is repealed and the following substituted therefor:

real  
estate  
mortgages

- (g) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking equally with or superior to the loan shall not exceed 75 per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 75 per cent of the sale price of the real estate; or

. . . . .

R.S.O. 1960,  
c. 71, s. 208,  
subs. 4,  
par. 1,  
amended

(5) Paragraph 1 of subsection 4 of the said section 208 is amended by striking out "one-half of" in the eleventh line, so that the paragraph shall read as follows:

Real estate  
for the  
production  
of income

1. Investments in real estate or leaseholds under this subsection shall be made only for the production of income, and may be made by the insurer in Canada or elsewhere where the insurer is carrying on business either alone or jointly with any other insurer, and the insurer may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of an insurer under this subsection in any one parcel of real estate or in any one leasehold shall not exceed 1 per cent of the book value of the total assets of the insurer.

R.S.O. 1960,  
c. 71, s. 208,  
subs. 4,  
par. 3,  
amended

(6) Paragraph 3 of subsection 4 of the said section 208, as amended by subsection 6 of section 7 of *The Corporations Amendment Act, 1962-63*, is further amended by striking out "5" in the amendment of 1962-63 and inserting in lieu thereof "7", so that the paragraph shall read as follows:

3. The total book value of the investments and loans<sup>Limitation</sup> made under this subsection and held by the insurer, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed 7 per cent of the book value of the total assets of the insurer.

2. This Act comes into force on the day it receives Royal<sup>Commence-</sup>  
Assent.<sup>ment</sup>

3. This Act may be cited as *The Corporations Amendment*<sup>Short title</sup>  
*Act, 1965*.





## CHAPTER 22

## An Act to amend The Corporations Tax Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 1 of *The Corporations Tax Act*, <sup>R.S.O. 1960, c. 73, s. 1,</sup> as amended by subsection 1 of section 1 of *The Corporations Tax Amendment Act, 1961-62*, is further amended by adding thereto the following paragraph: <sup>subs. 1, amended</sup>

38a. "superannuation or pension benefit" includes any amount received out of or under a superannuation or pension fund or plan, and, without restricting the generality of the foregoing, includes any payment made to a beneficiary under the fund or plan or to an employer or former employer of the beneficiary thereunder,

- i. in accordance with the terms of the fund or plan,
- ii. resulting from an amendment to or modification of the fund or plan, or
- iii. resulting from the termination of the fund or plan.

**2.—(1)** Subclause ii of clause *a* of subsection 1 of section 1a <sup>R.S.O. 1960, c. 73, s. 1a</sup> of *The Corporations Tax Act*, as enacted by section 1 of *The Corporations Tax Amendment Act, 1964*, is repealed and the <sup>(1964, c. 11, s. 1),</sup> following substituted therefor: <sup>subs. 1, cl. a, subcl. ii, re-enacted</sup>

(ii) either,

- (A) not less than 25 per cent of the issued and outstanding shares of the corporation having full voting rights under all circumstances were owned by one or more individuals resident in Canada, one or more corporations controlled

in

in Canada or a combination thereof, and equity shares representing in the aggregate not less than 25 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation were owned by one or more individuals resident in Canada, one or more corporations controlled in Canada or a combination thereof, or

- (B) a class or classes of shares of the corporation having full voting rights under all circumstances were listed on a prescribed stock exchange in Canada, and it is established in prescribed manner that no one non-resident person and no one corporation that did not comply with sub-subclause A of this subclause owned more than 75 per cent of the issued and outstanding shares of the corporation having full voting rights under all circumstances, alone or in combination with any other person related to such non-resident person or such corporation at any time within the period within the meaning of subsection 3 or 4 of section 1, and a class or classes of equity shares of the corporation representing in the aggregate not less than 50 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation were listed on a prescribed stock exchange in Canada, and it is established in prescribed manner that no one non-resident person and no one corporation that did not comply with sub-subclause A of this subclause owned equity shares representing in the aggregate more than 75 per cent of that part of the paid-up capital of the corporation that was represented by all the issued and outstanding equity shares of the corporation, alone or in combination with any other person related to such non-resident person or such corporation at any time within the period within the meaning of subsection 3 or 4 of section 1, and

R.S.O. 1960,  
c. 73, s. 1*a*  
(1964, c. 11,  
s. 1),  
subs. 1,  
amended

(2) Subsection 1 of the said section 1*a* is amended by striking out "or" at the end of clause *a* and by striking out clause *b* and inserting in lieu thereof the following:

(*b*)

- (b) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary wholly-owned corporation subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a* or *c*; or
- (c) the corporation complied with the conditions specified in subclauses i and iii of clause *a* and was a subsidiary-controlled corporation,

- (i) of which equity shares representing at least 75 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares were owned by,

(A) the corporation to which it was subsidiary,

(B) a corporation controlled in Canada,

(C) an individual resident in Canada, or

(D) any combination of persons described in sub-subclause A, B or C, and

- (ii) subsidiary to a corporation that throughout the sixty-day period complied with the conditions specified in clause *a* or *b*.

(3) Clauses *a*, *b* and *c* of subsection 2 of the said section 1*a* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 1*a*  
(1964, c. 11,  
s. 1),  
subs. 2,  
cls. *a-c*,  
re-enacted

- (a) a corporation that has share capital is not controlled in Canada at a particular time unless at that time the corporation is resident in Canada, and,

- (i) more than 50 per cent of its issued and outstanding shares having full voting rights under all circumstances,

- (ii) shares representing in the aggregate more than 50 per cent of its paid-up capital, and

- (iii) equity shares representing in the aggregate more than 50 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares,

are

are owned by,

- (iv) individuals resident in Canada,
- (v) corporations resident in Canada with respect to each of which,
  - (A) more than 50 per cent of the issued shares having full voting rights under all circumstances,
  - (B) shares representing in the aggregate more than 50 per cent of the paid-up capital, and
  - (C) equity shares representing in the aggregate more than 50 per cent of that part of the paid-up capital of the corporation that is represented by all the issued and outstanding equity shares,

are owned by individuals resident in Canada,  
or

- (vi) any combination of individuals or corporations described in subclause iv or v;

(b) where,

- (i) a non-resident person,
- (ii) a corporation that does not have a degree of Canadian ownership, or
- (iii) a corporation that is related to a non-resident person within the meaning of subsection 3 or 4 of section 1,

has a right, either as an incident of ownership of a share of a corporation or otherwise under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, equity shares in a corporation, those shares shall,

- (iv) unless the right is contingent upon an event that it is not reasonable to expect to occur within a reasonable time, or
- (v) unless the right is such that a reasonable man concerned only with the value of the shares would not exercise it,



be deemed,

- (vi) to be owned by the person who has the right,
- (vii) to be owned by a non-resident person, where the person who has the right is a corporation described in subclause ii or iii, and
- (viii) where the shares are unissued,
  - (A) to be issued and outstanding, and
  - (B) to have a paid-up capital value, with respect to each share, equal to,
    - 1. the par value, where the shares have a par value,
    - 2. the amount that would be paid with respect to each share to exercise the right under the terms of the contract, where the shares have no par value and an amount is specified in the contract, or
    - 3. the market value at the end of the relevant sixty-day period of a share of the class of shares of that corporation that is most closely similar to that share, where the shares have no par value and no amount is specified in the contract,

and any other person who actually owns the shares in respect of which that right exists shall be deemed not to own those shares;

- (c) where shares are owned by a trustee resident in Canada, other than a trustee,
  - (i) who is a trustee under,
    - (A) a registered pension fund or plan,
    - (B) a deferred profit sharing plan,
    - (C) an employees profit sharing plan, or

(D)

- (D) a supplementary unemployment benefit plan,

in relation to which at least 75 per cent of the employees covered by the plan are resident in Canada, and

- (ii) who owns, as trustee, if he is a trustee under a registered pension fund or plan, less than 10 per cent of the issued and outstanding equity shares of a corporation that is an employer of employees covered by the registered pension fund or plan, or a corporation related thereto within the meaning of subsection 3 or 4 of section 1,

the shares shall be deemed not to be owned by a person resident in Canada unless it is established that each beneficiary under the trust is an individual resident in Canada.

R.S.O. 1960, c. 73, s. 1a  
(1964, c. 11, s. 1),  
subs. 2,  
amended

(4) Subsection 2 of the said section 1a is amended by adding thereto the following clauses:

- (e) "equity share" means,

- (i) a share, other than a non-participating share, the owner of which has, as owner thereof, a right,

(A) to a dividend, and

(B) to a part of the surplus of the corporation after repayment of capital and payment of arrears of dividend, upon the redemption of the share, a reduction of the capital of the corporation or the winding up of the corporation,

at least as great, in any event, as the right of the owner of any other share, other than a non-participating share, of the corporation, when the magnitude of the right in each case is expressed as a rate based on the paid-up capital value of the share to which the right relates, or

- (ii) a share, other than a non-participating share, the owner of which has, as owner thereof, a right,

(A)

- (A) to a dividend, after a dividend at a rate not in excess of 8 per cent per annum of the paid-up capital value of each share has been paid to the owners of shares of a class other than the class to which that share belongs, and
- (B) to a part of the surplus of the corporation after repayment of capital and payment of arrears of dividend, upon the redemption of the share, a reduction of the capital of the corporation or the winding up of the corporation, after a payment of a part of the surplus at a rate not in excess of 10 per cent of the paid-up capital value of each share has been made to the owners of shares of a class other than the class to which that share belongs,

at least as great, in any event, as the right of the owner of any other share, other than a non-participating share, of the corporation, when the magnitude of the right in each case is expressed as a rate based on the paid-up capital value of the share to which the right relates;

- (f) "non-participating share" means a share the owner of which is not entitled to receive, as owner thereof, any dividend other than a dividend, whether cumulative or not,
  - (i) at a fixed annual rate or amount, or
  - (ii) at an annual rate or amount not in excess of a fixed annual rate or amount;
- (g) "paid-up capital value", with reference to a share, means,
  - (i) in the case of an unissued share that is deemed by clause *b* to be issued and outstanding, the amount determined under sub-subclause B of subclause viii of that clause, and
  - (ii) in any other case, an amount equal to the paid-up capital of the corporation that is represented by the shares of the class to which that share belongs divided by the number of shares of that class that are in fact issued and outstanding; and

(h)

(h) where,

- (i) the paid-up capital of a corporation that is represented by all the issued and outstanding equity shares of the corporation is less than 50 per cent of the paid-up capital of the corporation that is represented by all the issued and outstanding shares of the corporation other than non-participating shares, or
- (ii) a non-participating share of the corporation, the owner of which has, as owner, a right to a dividend,
  - (A) at a fixed annual rate in excess of 8 per cent, or
  - (B) at an annual rate not in excess of a fixed maximum annual rate, if the fixed maximum annual rate is in excess of 8 per cent,

when the right to the dividend is expressed as a rate based on the paid-up capital value of the share to which the right relates, is issued and outstanding,

the issued and outstanding equity shares of the corporation shall be deemed not to be equity shares.

R.S.O. 1960,  
c. 73, s. 1*a*  
(1964, c. 11,  
s. 1),  
subs. 3,  
re-enacted

(5) Subsection 3 of the said section 1*a* is repealed and the following substituted therefor:

Idem,  
election

(3) Where a corporation so elects, that portion of subsection 1 that precedes clause *a* thereof shall, for the 1963 fiscal year of that corporation, be read as follows:

(1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of May, 1964,

. . . . .

R.S.O. 1960,  
c. 73, s. 1*a*  
(1964, c. 11,  
s. 1),  
amended

(6) The said section 1*a* is amended by adding thereto the following subsection:

Idem,  
election

(4) Where a corporation so elects, that portion of subsection 1 that precedes clause *a* thereof shall, for the

1964 and 1965 fiscal years of that corporation, be read as follows:

- (1) For the purposes of this Act, a corporation has a degree of Canadian ownership in a fiscal year if throughout any sixty-day period commencing after the 13th day of June, 1963, and ending before the 1st day of January, 1965,

. . . . .

**3.** Subsection 1 of section 13 of *The Corporations Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 13,  
subs. 1,  
re-enacted

- (1) Every insurance corporation shall pay a tax of 2 per cent calculated on the gross premiums that become payable to the corporation or its agent or agents during the fiscal year in respect of business transacted in Ontario, other than premiums in respect of re-insurance ceded to the corporation by other insurance corporations and considerations for annuities, after deducting from such premiums,

Insurance  
companies

(a) cash value of dividends credited to policy-holders;

(b) premiums returned.

**4.** Section 17 of *The Corporations Tax Act*, as amended by section 5 of *The Corporations Tax Amendment Act, 1961-62*, section 2 of *The Corporations Tax Amendment Act, 1962-63* and section 2 of *The Corporations Tax Amendment Act, 1964*, is further amended by striking out "and" at the end of clause *j* in the amendment of 1964 and by adding thereto the following clauses:

R.S.O. 1960,  
c. 73, s. 17,  
amended

- (l) amounts received by the corporation in the fiscal year as legal costs awarded to it by a court on an appeal in relation to an assessment of tax, interest or penalties under this Act, or the *Income Tax Act* (Canada), if with respect to that assessment an amount has been deducted or may be deductible under clause *t* of subsection 1 of section 22 in computing its income; and

legal costs

R.S.C. 1952,  
c. 148

(m) superannuation or pension benefits.

superan-  
nuation or  
pension  
benefits

**5.**—(1) Clause *j* of subsection 1 of section 22 of *The Corporations Tax Act* is amended by striking out "sixty" in the second line and inserting in lieu thereof "120".

R.S.O. 1960,  
c. 73, s. 22,  
subs. 1, cl. *j*,  
amended



R.S.O. 1960,  
c. 73, s. 22,  
subs. 1,  
amended

(2) Subsection 1 of the said section 22, as amended by subsection 1 of section 7 of *The Corporations Tax Amendment Act, 1961-62* and section 3 of *The Corporations Tax Amendment Act, 1962-63*, is further amended by adding thereto the following clause:

expenses of  
objection  
or appeal

(t) amounts paid by the corporation in the fiscal year in respect of fees or expenses incurred in preparing, instituting or prosecuting an objection to, or an appeal in relation to, an assessment of tax, interest or penalties under this Act or the *Income Tax Act* (Canada).

R.S.C. 1952,  
c. 148

R.S.O. 1960,  
c. 73, s. 22,  
subs. 15  
(1961-62,  
c. 23, s. 7,  
subs. 2),  
re-enacted

(3) Subsection 15 of the said section 22, as enacted by subsection 2 of section 7 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Sale of  
agreement  
for sale  
or mortgage  
included in  
proceeds of  
disposition

(15) Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length, and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the corporation has, in a subsequent fiscal year, sold to a person with whom it was dealing at arm's length, there may be deducted, in computing the income of the corporation for the subsequent fiscal year, an amount equal to the lesser of,

(a) the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the agreement for sale, mortgage or hypothec; or

(b) the amount determined under clause *a* less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the corporation of that property.

R.S.O. 1960,  
c. 73, s. 23,  
subs. 3,  
repealed

**6.** Subsection 3 of section 23 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,  
c. 73,  
amended

**7.** *The Corporations Tax Act* is amended by adding thereto the following section:

Unpaid  
amounts

28.—(1) Where an amount in respect of a deductible outlay or expense that was owing by a corporation to a person with whom the corporation was not

dealing

dealing at arm's length at the time the outlay or expense was incurred and at the end of the second fiscal year following the fiscal year in which the outlay or expense was incurred, is unpaid at the end of that second fiscal year, either,

- (a) the amount so unpaid shall be included in computing the income of the corporation for the third fiscal year following the fiscal year in which the outlay or expense was incurred; or
  - (b) where the corporation and that person have filed an agreement in prescribed form on or before the day on or before which the corporation is required by section 71 to file its return of income for the third succeeding fiscal year, for the purposes of this Act the following rules apply:
    - 1. The amount so unpaid shall be deemed to have been paid by the corporation and received by that person on the first day of the said third fiscal year.
    - 2. That person shall be deemed to have made a loan to the corporation on the first day of the said third fiscal year in an amount equal to the amount deemed by rule 1 to have been paid by the corporation.
- (2) Where an amount in respect of a deductible outlay<sup>Idem</sup> or expense that was owing by a corporation to a person with whom the corporation was not dealing at arm's length is unpaid at the time when the corporation is wound up, and the corporation is wound up before the end of the second fiscal year following the fiscal year in which the outlay or expense was incurred, the amount so unpaid shall be included in computing the income of the corporation for the fiscal year in which it is wound up.

8. Paragraph 9 of subsection 6 of section 31 of *The Corporations Tax Act*, as enacted by section 10 of *The Corporations Tax Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 31,  
subs. 6,  
par. 9  
(1961-62,  
c. 23, s. 10),  
re-enacted

9. Where depreciable property of a corporation has, in a fiscal year, been disposed of to a person with whom the corporation was dealing at arm's length,

and

and the proceeds of disposition include an agreement for sale of or mortgage or hypothec on land that the corporation has, in the fiscal year, sold to a person with whom it was dealing at arm's length, in consideration for an amount less than the principal amount of the agreement for sale, mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by which the principal amount of the agreement for sale, mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the corporation for the agreement for sale, mortgage or hypothec.

10. Where a corporation has disposed of an interest in a partnership, an amount equal to the part of the consideration for the disposition of the interest of the corporation in the partnership that can reasonably be regarded as being in relation to the interest of the corporation in the depreciable property of a class that was used in the business of the partnership shall be deemed to be proceeds of disposition of depreciable property of that class, and the person who acquired the interest of the corporation in the partnership shall be deemed to have acquired an interest in property at a capital cost equal to that amount.

R.S.O. 1960,  
c. 73, s. 39,  
subs. 4,  
repealed

9. Subsection 4 of section 39 of *The Corporations Tax Act* is repealed.

R.S.O. 1960,  
c. 73, s. 42,  
subs. 9,  
par. 2,  
amended

10. Paragraph 2 of subsection 9 of section 42 of *The Corporations Tax Act* is amended by striking out "does not exceed" in the first line and inserting in lieu thereof "exceeds".

R.S.O. 1960,  
c. 73,  
amended

11. *The Corporations Tax Act* is amended by adding thereto the following section:

#### CORPORATIONS IN DESIGNATED AREAS

Exemptions  
of income  
from manu-  
facturing  
or processing  
business in  
designated  
area

- 46a.—(1) Subject to subsections 2 to 8, there shall not be included in computing the income of a corporation for a fiscal year income from the carrying on by the corporation of a manufacturing or processing business in a designated area during a fiscal year of the business,

- (a) occurring wholly within the thirty-six-month period that commenced on the day certified as the day on which the business commenced

manufacturing

manufacturing or processing in reasonable commercial quantities; and

- (b) for which the business is certified to be a new manufacturing or processing business carried on in a designated area.

(2) In this section,

Interpre-  
tation

- (a) "certified" means certified by the Treasurer pursuant to subsection 6;
- (b) "designated area" has the meaning given to that expression by the *Department of Industry* <sup>1963, c. 3</sup> (Can.) *Act* (Canada);
- (c) "manufacturing or processing business" means a business that had net sales for the fiscal year in respect of which the expression is being applied from the sale of goods processed or manufactured in Canada by the business the amount of which was at least 95 per cent of the amount by which the gross revenue from the business for the fiscal year exceeds the aggregate of each amount paid or credited in the fiscal year to a customer of the business as a bonus, rebate or discount or for returned or damaged goods, but does not include a business that is principally,
- (i) operating a gas or oil well,
  - (ii) logging,
  - (iii) mining,
  - (iv) construction, or
  - (v) a combination of two or more of the classes set out in subclauses i to iv;
- (d) "net sales" of a business for a fiscal year means an amount equal to,
- (i) the gross revenue from the business for the fiscal year from sales,
- minus,
- (ii) the aggregate of each amount paid or credited in the fiscal year to a customer



of the business as a bonus, rebate or discount or for returned or damaged goods;

- (e) "new manufacturing or processing business" means a manufacturing or processing business that commenced manufacturing or processing in reasonable commercial quantities after the 4th day of December, 1963, and before the 1st day of April, 1967;
- (f) "sales", in relation to a business, means sales in respect of which an amount is included in computing the income from the business for the fiscal year otherwise than by virtue of section 31 or subsection 1 of section 62; and
- (g) goods processed or manufactured shall be deemed not to include goods that have been packaged only.

Business in  
a designated  
area

- (3) For the purpose of this section, a corporation shall be deemed not to have been carrying on a business in a designated area in a fiscal year unless,
  - (a) throughout the fiscal year, the value of all machinery, equipment (other than delivery equipment) and buildings situated in the designated area that were owned or leased by the corporation and used in the business is at least 95 per cent of the value of all machinery, equipment (other than delivery equipment) and buildings wherever situated that were owned or leased by the corporation and used in the business; and
  - (b) throughout the fiscal year, the value of all machinery and equipment that were owned or leased by the corporation and used in the business, and that were acquired by the corporation or by the lessor, as the case may be, after the 13th day of June, 1963, and had not been used for any purpose whatever before the 14th day of June, 1963, is at least 95 per cent of the value of all machinery and equipment that were used in the business.

Rent

- (4) For the purpose of clause *c* of subsection 2, an amount equal to that part of the gross revenue from a business for a fiscal year that is rent from goods processed or manufactured in Canada in the course



of the business shall, in determining whether the business is a manufacturing or processing business in the fiscal year, be added to the net sales for the fiscal year from the sale of goods processed or manufactured in Canada by the business.

- (5) For the purpose of subsection 3, the value of any <sup>Determination of value</sup> machinery, equipment and buildings that were owned or leased by a corporation and used in a business is the value thereof as of the day such machinery, equipment and buildings were first used in the business.
- (6) The Treasurer may, upon application in prescribed <sup>Certification</sup> manner by a corporation carrying on a new manufacturing or processing business in a designated area, issue a certificate certifying for the fiscal year of the business in respect of which the application is made,
- (a) that the business was a new manufacturing or processing business;
  - (b) that the business was being carried on in a designated area; and
  - (c) in the case of the first fiscal year of the business for which a certificate is issued, the day upon which the business commenced manufacturing or processing in reasonable commercial quantities.
- (7) A corporation intending to carry on a new manu- <sup>Notice of intention</sup> facturing or processing business in a designated area may file with the Treasurer a notice of intention in such form as may be prescribed.
- (8) Where, during a fiscal year when an area was a <sup>Deemed designated area</sup> designated area,
- (a) a certificate was issued under subsection 6; or
  - (b) a notice of intention was filed under subsection 7,

with respect to a new manufacturing or processing business of a corporation in that area, if the area has ceased to be a designated area, it shall,

- (c) where the business commenced manufacturing or processing in reasonable commercial quantities before the area ceased to be a designated area or within twelve months thereafter; or

(d)

(d) in any other case, if the Treasurer is satisfied,

- (i) that the corporation had made substantial progress in establishing the new business before the area ceased to be a designated area, and
- (ii) that the corporation proceeded with reasonable expedition, after the area ceased to be a designated area, to cause the business to commence manufacturing or processing in reasonable commercial quantities,

for the purposes of the application of this section in computing the income of the corporation from carrying on the business, be deemed to be a designated area.

R.S.O. 1960,  
c. 73, s. 47,  
amended

**12.**—(1) Section 47 of *The Corporations Tax Act*, as amended by subsections 1 and 2 of section 16 of *The Corporations Tax Amendment Act, 1961-62*, section 6 of *The Corporations Tax Amendment Act, 1962-63* and section 9 of *The Corporations Tax Amendment Act, 1964*, is further amended by adding thereto the following subsection:

Idem

(1a) There may be deducted, in computing the income for a fiscal year of a corporation that carried on business in Canada and made expenditures in the fiscal year in respect of scientific research carried on outside Canada, all such expenditures of a current nature made in the year,

(a) on scientific research related to the business and directly undertaken by or on behalf of the corporation; or

(b) by payments to an approved association, university, college, research institute or other similar institution to be used for scientific research related to the class of business of the corporation.

R.S.O. 1960,  
c. 73, s. 47,  
subs. 3a  
(1964, c. 11,  
s. 9),  
re-enacted

(2) Subsection 3a of the said section 47, as enacted by section 9 of *The Corporations Tax Amendment Act, 1964*, is repealed and the following substituted therefor:

Idem

(3a) Where in respect of an expenditure on scientific research made by a corporation in a fiscal year an amount is deductible under this section and under

section 39, no deduction may be made in respect of the expenditure under section 39 in computing the taxable income of the corporation for any fiscal year.

(3) Clause *c* of subsection 4 of the said section 47, as re-enacted by subsection 5 of section 6 of *The Corporations Tax Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 47,  
subs. 4, cl. *c*  
(1962-63,  
c. 26, s. 6,  
subs. 5),  
re-enacted

(c) references to expenditures on or in respect of scientific research,

(i) where the references occur in subsection 1*a*, include only expenditures incurred for and wholly attributable to the prosecution of scientific research, and

(ii) where the references occur other than in subsection 1*a*, include only expenditures incurred for and wholly attributable to the prosecution, or the provision of facilities for the prosecution, of scientific research in Canada; and

. . . . .

**13.** Subsection 1 of section 61 of *The Corporations Tax Act* is amended by striking out the first ten lines and inserting in lieu thereof the following:

R.S.O. 1960,  
c. 73, s. 61,  
subs. 1,  
amended

(1) Where a person who has been carrying on a business has, in a fiscal year, sold all or substantially all the property used in carrying on the business, including the debts that have been or will be included in computing his income for that fiscal year or a previous fiscal year and that are still outstanding, and including the debts arising from loans made in the ordinary course of his business if part of his ordinary business was the lending of money and that are still outstanding, to a purchaser who proposes to continue the business which the vendor has been carrying on, if the vendor and the purchaser have executed jointly an election in prescribed form to have this section apply, the following rules are applicable:

Sale of  
accounts  
receivable

. . . . .

**14.—**(1) Subsection 1 of section 63 of *The Corporations Tax Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 63,  
subs. 1,  
re-enacted

Cash method  
may be used  
by corpora-  
tion in  
business of  
farming or  
profession

- (1) For the purpose of computing the income of a corporation for a fiscal year from a business of the following description, namely,

- (a) farming; or
- (b) a profession,

the income from the business for that fiscal year shall, if the corporation so elects under subsection 1 of section 85F of the *Income Tax Act* (Canada), be computed in accordance with a method (hereinafter in this section referred to as the "cash" method) whereby the income therefrom for that fiscal year shall be deemed to be an amount equal to,

R.S.C. 1952,  
c. 148

- (c) the aggregate of all amounts that,

- (i) were received in the fiscal year, or are deemed by this Act to have been received in the fiscal year, in the course of carrying on the business, and
- (ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be included in computing income therefrom for that or any other fiscal year,

minus,

- (d) the aggregate of all amounts that,

- (i) were paid in the fiscal year, or are deemed by this Act to have been paid in the fiscal year, in the course of carrying on the business, and
- (ii) were in payment of or on account of an amount that would, if the income from the business were not computed in accordance with the cash method, be deductible in computing income therefrom for that or any other fiscal year,

and minus any deduction for the fiscal year permitted by clause *a* of subsection 2 of section 22.



(2) Subsection 3 of the said section 63 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 73, s. 63,  
subs. 3,  
re-enacted

(3) Where a corporation has filed a return under this Act for a fiscal year wherein its income for that fiscal year from a business described in subsection 1 has been computed in accordance with the method authorized by that subsection, income from the business for a subsequent fiscal year shall, subject to other provisions of this Part, be computed in accordance with that method unless the corporation, with the concurrence of the Treasurer and upon such terms and conditions as are specified by the Treasurer, adopts some other method.

Cash method  
must be  
used in  
subsequent  
fiscal years

(3a) Where a corporation that, at a time when it was a resident of Canada, carried on a business the income from which was computed in accordance with the method authorized by subsection 1 has, upon or after disposing of or ceasing to carry on the business or a part of the business, ceased to be a resident of Canada in a fiscal year, an amount equal to the value, at the time it ceased to be a resident of Canada, of,

When  
corporation  
ceases to  
carry on  
business in  
Canada,  
accounts  
receivable  
added to  
income of  
last fiscal  
year

(a) such part of the property that would have been included in the inventory of the business or the part of the business if the income from the business had not been computed in accordance with the method authorized by subsection 1 as remained the property of the corporation at the time it ceased to be a resident of Canada; and

(b) such part of amounts outstanding at the time it ceased to be a resident of Canada as or on account of debts owing to the corporation that arose in the course of carrying on the business as would have been included in computing its income for the fiscal year if the amounts had been received by it in the fiscal year at a time when it was a resident of Canada,

shall be included in computing its income.

(3) Subsection 5 of the said section 63 is repealed.

R.S.O. 1960,  
c. 73, s. 63,  
subs. 5,  
repealed



1964, c. 11,  
s. 14, subs. 3,  
re-enacted

**15.** Subsection 3 of section 14 of *The Corporations Tax Amendment Act, 1964* is repealed and the following substituted therefor:

Idem,  
ss. 1-4, 7,  
s. 11,  
subss. 1, 2,  
ss. 12, 13

(3) Sections 1, 2, 3, 4 and 7, subsections 1 and 2 of section 11 and sections 12 and 13 apply in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Application  
of Act

**16.**—(1) Subsections 1 and 3 of section 12 apply in respect of fiscal years of corporations ending in 1962 and in respect of subsequent fiscal years.

Idem

(2) Subsection 5 of section 2 and subsection 3 of section 5 apply in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Idem

(3) Paragraph 9 of subsection 6 of section 31 of *The Corporations Tax Act*, as re-enacted by section 8, applies in respect of fiscal years of corporations ending in 1963 and in respect of subsequent fiscal years.

Idem

(4) Section 1, subsections 1 to 4 of section 2, section 4, subsections 1 and 2 of section 5 and sections 9, 11, 13 and 14 apply in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Idem

(5) Except as provided by subsection 6, section 6 applies in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Idem

(6) Where an amount in respect of an outlay or expense that was incurred before the 1964 fiscal year and that was not deductible by reason of the application of subsection 3 of section 23 of *The Corporations Tax Act* is paid before 1967, it may be deducted in computing the income of the corporation for the fiscal year in which it is paid.

Idem

(7) Section 28 of *The Corporations Tax Act*, as enacted by section 7, is applicable to an outlay or expense incurred in the 1964 fiscal year or subsequent fiscal years.

Idem

(8) Paragraph 10 of subsection 6 of section 31 of *The Corporations Tax Act*, as enacted by section 8, applies in respect of fiscal years of corporations ending in 1964 and in respect of subsequent fiscal years.

Commence-  
ment

**17.**—(1) This Act, except sections 3 and 15, comes into force on the day it receives Royal Assent.

(2) Section 3 comes into force on a day to be named by the <sup>Idem</sup> Lieutenant Governor by his proclamation and applies in respect of fiscal years specified therein.

(3) Section 15 shall be deemed to have come into force on <sup>Idem</sup> the 25th day of March, 1964.

**18.** This Act may be cited as *The Corporations Tax Amendment Act, 1965*. <sup>Short title</sup>



## CHAPTER 23

**An Act to amend The County Courts Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The County Courts Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 76, s. 3,  
re-enacted

3.—(1) The Lieutenant Governor in Council may appoint a clerk for each county court, and may appoint such persons to the staff of the clerk's office as are deemed necessary and may fix their position specifications, salary ranges, and terms and conditions of employment.

Appoint-  
ment of  
clerk  
and staff

(2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of the clerk's office for a term not exceeding one year.

Temporary  
appoint-  
ments

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The County Courts Amendment Act, 1965*.

Short title





## CHAPTER 24

## An Act to amend The County Judges Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 2 of *The County Judges Act* <sup>R.S.O. 1960, c. 77, s. 2, subs. 1, amended</sup> is amended by striking out “Middlesex” in the second line, so that the subsection shall read as follows:

- (1) A junior judge may be appointed for the county <sup>Junior judges</sup> court of each of the counties of Carleton, Essex and Welland and for the district court of each of the districts of Sudbury and Thunder Bay.

(2) Subsection 2 of the said section 2 is amended by striking <sup>R.S.O. 1960, c. 77, s. 2, subs. 2, amended</sup> out “the county of Wentworth” in the second line and inserting in lieu thereof “each of the counties of Middlesex and Wentworth”, so that the subsection shall read as follows:

- (2) Two junior judges may be appointed for the county <sup>Idem</sup> court of each of the counties of Middlesex and Wentworth.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**3.** This Act may be cited as *The County Judges Amendment* <sup>Short title</sup> Act, 1965.



## CHAPTER 25

**An Act to amend The Dead Animal Disposal Act**

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *b* of section 1 of *The Dead Animal Disposal Act* is repealed. R.S.O. 1960,  
c. 88, s. 1,  
cl. *b*,  
repealed

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 88, s. 1,  
amended

(*ca*) “Director” means the Director of the Veterinary Services Branch of the Department of Agriculture.

**2.**—(1) Subsection 1 of section 5 of *The Dead Animal Disposal Act* is amended by striking out “Commissioner” in the third line and inserting in lieu thereof “Director”. R.S.O. 1960,  
c. 88, s. 5,  
subs. 1,  
amended

(2) Subsection 2 of the said section 5, as enacted by section 3 of *The Dead Animal Disposal Amendment Act, 1961-62*, is amended by striking out “Commissioner” in the first line and inserting in lieu thereof “Director”. R.S.O. 1960,  
c. 88, s. 5,  
subs. 2  
(1961-62,  
c. 28, s. 3),  
amended

(3) Subsection 3 of the said section 5, as enacted by section 3 of *The Dead Animal Disposal Amendment Act, 1961-62*, is amended by striking out “Commissioner” in the first line and in the third line and inserting in lieu thereof in each instance “Director”. R.S.O. 1960,  
c. 88, s. 5,  
subs. 3  
(1961-62,  
c. 28, s. 3),  
amended

**3.** Subsection 3 of section 8 of *The Dead Animal Disposal Act* is amended by striking out “Commissioner” in the first line and inserting in lieu thereof “Director”. R.S.O. 1960,  
c. 88, s. 8,  
subs. 3,  
amended

**4.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**5.** This Act may be cited as *The Dead Animal Disposal Amendment Act, 1965*. Short title



## CHAPTER 26

**An Act to amend The Dentistry Act**

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 20 of *The Dentistry Act* is repealed.

R.S.O. 1960,  
c. 91, s. 20,  
repealed

- 2.** This Act may be cited as *The Dentistry Amendment Act, 1965*.

Short title





## CHAPTER 27

**An Act to amend  
The Department of Agriculture Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5*b* of *The Department of Agriculture Act*, as enacted by section 2 of *The Department of Agriculture Amendment Act, 1964*, is repealed and the following substituted therefor:

5*b*.—(1) Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he deems proper, agree to guarantee and may guarantee the payment of any loan or any part thereof up to but not exceeding,

Guarantee  
of loans

(*a*) the principal sum of \$2,500 together with interest thereon made to farmers for the purpose of paying the costs of transporting water, including the costs, if any, of purchasing such water;

(*b*) the principal sum of \$4,500 together with interest thereon made to farmers who incur damage occasioned by drought or army worm infestation for the purpose of purchasing hay and grain to feed live stock and poultry.

(2) The form and manner of such guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.

Form of  
guarantee

Payment of  
guarantee

- (3) The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

Commence-  
ment

- 2.** This Act shall be deemed to have come into force on the 20th day of August, 1964.

Short title

- 3.** This Act may be cited as *The Department of Agriculture Amendment Act, 1965*.

## CHAPTER 28

**An Act to amend  
The Department of Education Act**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Department of Education Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 94,  
amended

**14a.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern colleges of applied arts and technology that offer programmes of instruction in one or more fields of vocational, technological, general and recreational education and training in day or evening courses and for full-time or part-time students. Colleges of  
applied  
arts and  
technology

(2) The Minister shall be assisted in the planning, establishment and co-ordination of programmes of instruction and services for such colleges by a council to be known as the Ontario Council of Regents for Colleges of Applied Arts and Technology composed of such members as may be appointed by the Minister. Council of  
Regents

(3) There shall be a board of governors for each college of applied arts and technology, which shall be a corporation with such name as the Minister may designate and shall be composed of such members and have such powers and duties, in addition to those under *The Corporations Act* as varied by the regulations, as may be provided by the regulations, and each board shall be assisted by an advisory committee for each branch of a programme of instruction offered in the college other than programmes of instruction referred to in subsection 5. Boards of  
governors,  
advisory  
committees

R.S.O. 1960,  
c. 71

## Agreements

- (4) For the purposes of subsection 1 and subject to the approval of the Minister, a board of governors may enter into an agreement with any organization representing one or more branches of industry or commerce or with any professional organization.

## Idem

- (5) Subject to the approval of the Minister, a board of governors of a college may enter into an agreement with a university for the establishment, maintenance and conduct by the university in the college of programmes of instruction leading to degrees, certificates or diplomas awarded by the university.

## Cost of establishment and maintenance

- (6) The cost of the establishment, maintenance and conduct of a college shall be payable until the 31st day of March, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of moneys received from Canada for the purposes of technical education or other programmes of instruction of the college, moneys contributed by organizations that have entered into agreements with the board of governors of the college, fees paid by students and moneys received from other sources.

## Regulations

- (7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to colleges of applied arts and technology,
- (a) providing for the composition of the Ontario Council of Regents for Colleges of Applied Arts and Technology;
  - (b) providing for the composition of the boards of governors on a suitably representative basis and of the advisory committees thereof and for the appointment of the members of such boards and committees;
  - (c) prescribing the powers and duties of boards of governors and advisory committees, the manner of calling and conducting the meetings thereof and the procedure for the election or appointment of chairmen and officers;
  - (d) prescribing the type, content and duration of programmes of instruction to be offered;



- (e) prescribing the requirements for admission to any programme of instruction, and prescribing the terms and conditions upon which students may remain in, or be discharged from, any programme of instruction;
  - (f) for the granting of certificates and diplomas of standing following successful completion of any programme of instruction;
  - (g) prescribing the qualifications and conditions of service of members of the teaching staffs of such colleges;
  - (h) providing for the payment of travelling allowances or expenses to members of the Ontario Council of Regents for Colleges of Applied Arts and Technology, boards of governors and advisory committees, and of the officers and employees of such colleges;
  - (i) requiring students to pay registration, tuition and laboratory fees in respect of any programme of instruction, and fixing the amounts and manner of payment thereof;
  - (j) providing for the admission of persons from outside Ontario, and prescribing fees payable by such persons in respect of any programme of instruction and the manner of payment thereof;
  - (k) providing for the incorporation of schools established under section 14 with such colleges.
- (8) No regulation made under subsection 7 applies to a <sup>Application</sup> university or to programmes of instruction given by <sup>of</sup> regulations a university in such colleges.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent. <sup>ment</sup>

**3.** This Act may be cited as *The Department of Education* <sup>Short title</sup> *Amendment Act, 1965.*



## CHAPTER 29

# An Act to amend The Department of Municipal Affairs Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *j* of section 10 of *The Department of Municipal Affairs Act* is amended by inserting after "auditor" in the third line "or a municipal assessor", so that the clause shall read as follows:

R.S.O. 1960  
c. 98, s. 10,  
cl. *j*,  
amended

- (*j*) grant upon payment of the prescribed fee a licence to every person whom the Department deems qualified to perform the duties of a municipal auditor or a municipal assessor, and refuse, suspend or revoke any such licence.

licensing  
municipal  
auditors or  
municipal  
assessors

**2.** Section 48 of *The Department of Municipal Affairs Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 98, s. 48,  
re-enacted

48. Where land is vested in a municipality under section 47, the treasurer of the municipality may make any expenditure necessary,

Insurance,  
repairs

(*a*) to insure the land; or

- (*b*) to keep the land in a proper state of repair, if he has sent by registered mail at least one month before making the expenditure a notice containing particulars of the proposed expenditure and an estimate of the cost thereof to the last known address of the assessed owner of the land and to all persons appearing by the records of the registry or land titles office and the sheriff's office to have an interest therein,

and the amount of such expenditure, with interest as provided in section 150 of *The Assessment Act*, may be added to the amount required to redeem the land.

R.S.O. 1960,  
c. 23

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1965*.

CHAPTER 30

**An Act to amend  
The Department of Public Welfare Act**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Public Welfare Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 100,  
amended
7. The Lieutenant Governor in Council may make regulations providing for the apportionment and distribution of all moneys appropriated by the Legislature for the payment to counties and district welfare administration boards of subsidies for the cost of administration of welfare services and prescribing the conditions under which the subsidies shall be paid.

Subsidies  
for cost  
of adminis-  
tration
2. The moneys required for the payment of the subsidies referred to in section 7 of *The Department of Public Welfare Act*, as enacted by section 1 of this Act, may, until the 31st day of March, 1966, be paid in accordance with the regulations out of the Consolidated Revenue Fund.

Payment  
until  
March 31,  
1966
3. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment
4. This Act may be cited as *The Department of Public Welfare Amendment Act, 1965*.

Short title





CHAPTER 31

**An Act to amend  
The Devolution of Estates Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 1 of section 13 of *The Devolution of Estates Act* is amended by striking out “shall” in the fourth line and inserting in lieu thereof “is” and by striking out “is” in the ninth line.

R.S.O. 1960,  
c. 106, s. 13,  
subs. 1,  
amended
- 2.** This Act may be cited as *The Devolution of Estates Amendment Act, 1965*.

Short title



## CHAPTER 32

## An Act to amend The Division Courts Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 37 of *The Division Courts Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 110, s. 37, re-enacted

37. Every clerk and bailiff shall, on or before the 31st day of January in every year, make a return under oath to the Inspector showing the aggregate amount of fees, charges and emoluments that he became entitled to receive during the year that ended on the 31st day of December next preceding. Clerks' and bailiffs' returns to Inspector

**2.**—(1) Section 54 of *The Division Courts Act*, as amended by section 3 of *The Division Courts Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 110, s. 54, re-enacted

54. Except as otherwise provided in this Act, a division court has jurisdiction in, Cases in which court has jurisdiction

(a) any action where the amount claimed does not exceed \$400 exclusive of interest;

(b) any action of replevin where the value of property distrained, taken or detained does not exceed \$400; and

(c) any action or matter authorized by or under any Act to be heard in the division court.

(2) Subsection 1 does not apply to any action commenced before the 1st day of July, 1965. Application of subs. 1

**3.** Subsection 2 of section 163 of *The Division Courts Act*, as amended by section 7 of *The Division Courts Amendment Act, 1961-62*, is further amended by striking out "send to each creditor" in the fourth line and inserting in lieu thereof "prepare", so that the subsection shall read as follows: R.S.O. 1960, c. 110, s. 163, subs. 2, amended

## Distribution

- (2) The clerk shall distribute the moneys paid into the consolidation account on account of the judgments at least once every six months, and at the time of distribution shall prepare a distribution sheet showing the total amount paid and the distribution thereof.

## Short title

- 4.** This Act may be cited as *The Division Courts Amendment Act, 1965*.



## CHAPTER 33

## An Act to amend The Dog Tax and Cattle, Sheep and Poultry Protection Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The title to *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed and the following substituted there-  
R.S.O. 1960,  
c. 111,  
title,  
subs. 1,  
re-enacted  
for:

THE DOG TAX AND LIVE STOCK AND  
POULTRY PROTECTION ACT

**2.** Subsection 1 of section 6 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed and the following  
R.S.O. 1960,  
c. 111, s. 6,  
subs. 1,  
re-enacted  
substituted therefor:

- (1) By-laws may be passed by councils of towns, townships and villages and of cities having a population of less than 100,000, and by boards of commissioners of police in cities having a population of not less than 100,000, for prohibiting or regulating the running at large of dogs in the municipality or in any defined area thereof, for seizing and impounding and for killing, whether before or after impounding, dogs running at large contrary to the by-law, and for selling dogs so impounded at such time and in such manner as is provided by the by-law.

**3.** The heading immediately preceding section 9 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is struck  
R.S.O. 1960,  
c. 111,  
amended  
out and the following substituted therefor:

PROTECTION OF LIVE STOCK AND POULTRY

**4.**—(1) Clause *a* of section 9 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is repealed.  
R.S.O. 1960,  
c. 111, s. 9,  
cl. a,  
repealed

R.S.O. 1960,  
c. 111, s. 9,  
cl. c,  
amended (2) Clause *c* of the said section 9 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,  
c. 111, s. 9,  
amended (3) The said section 9 is amended by adding thereto the following clause:

(d) "live stock" means cattle, goats, sheep or swine.

R.S.O. 1960,  
c. 111, s. 10,  
cl. a,  
amended **5.**—(1) Clause *a* of section 10 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,  
c. 111, s. 10,  
cl. c,  
amended (2) Clause *c* of the said section 10 is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,  
c. 111, s. 11,  
subs. 1,  
amended **6.**—(1) Subsection 1 of section 11 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line, in the fourth line, in the sixth line, in the seventh and eighth lines and in the tenth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,  
c. 111, s. 11,  
subs. 2,  
cl. a,  
amended (2) Clause *a* of subsection 2 of the said section 11 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock".

R.S.O. 1960,  
c. 111, s. 11,  
subs. 2,  
cl. c,  
amended (3) Clause *c* of subsection 2 of the said section 11 is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,  
c. 111, s. 11,  
subs. 3,  
amended (4) Subsection 3 of the said section 11 is amended by striking out "cattle, sheep" in the second line and in the fourth line and by striking out "cattle or sheep" in the sixth and seventh lines and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,  
c. 111, s. 12,  
subs. 1,  
amended **7.**—(1) Subsection 1 of section 12 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,  
c. 111, s. 12,  
subs. 2,  
amended (2) Subsection 2 of the said section 12 is amended by striking out "cattle, sheep" in the first line, in the second line, in the seventh line and in the fourteenth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,  
c. 111, s. 12,  
subs. 3,  
re-enacted (3) Subsection 3 of the said section 12 is repealed and the following substituted therefor:

- (3) Where the valuer finds evidence that to the best of his knowledge and belief shows, <sup>Denial of liability</sup>

- (a) that any of the live stock or poultry was not killed or injured by a dog; or
- (b) that the killing or injuring was caused by a dog owned by or habitually kept on the premises of the owner of the live stock or poultry; or
- (c) that the owner had not taken reasonable care to prevent the killing or injuring of his live stock or poultry by dogs,

the valuer shall include in his report to the clerk of the local municipality and to the owner of the live stock or poultry a statement of his belief and shall make forthwith a further report to the clerk of the municipality giving particulars of the evidence found, and the council of the municipality may thereupon deny liability in whole or in part by written notice given by the clerk of the municipality to the owner of the live stock or poultry within thirty days after the filing of his affidavit with the clerk.

- (4) Subsection 5 of the said section 12 is amended by striking out "cattle, sheep" in the first line and in the second line and inserting in lieu thereof in each instance "live stock". <sup>R.S.O. 1960, c. 111, s. 12, subs. 5, amended</sup>

- (5) Subsection 6 of the said section 12 is amended by striking out "cattle, sheep" in the first line and inserting in lieu thereof "live stock". <sup>R.S.O. 1960, c. 111, s. 12, subs. 6, amended</sup>

- (6) Subsection 8 of the said section 12 is amended by striking out "cattle, sheep" in the fourth line and in the ninth line and inserting in lieu thereof in each instance "live stock". <sup>R.S.O. 1960, c. 111, s. 12, subs. 8, amended</sup>

- (7) Subsection 9 of the said section 12 is amended by striking out "cattle, sheep" in the fourth line and inserting in lieu thereof "live stock". <sup>R.S.O. 1960, c. 111, s. 12, subs. 9, amended</sup>

- (8) Clauses *b* and *c* of subsection 10 of the said section 12 are repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 111, s. 12, subs. 10, cls. b, c, re-enacted</sup>

(b) a goat in excess of \$100;

(c) a head of sheep in excess of \$100;

(d)

(d) a head of swine in excess of \$100; or

(e) poultry of one owner, killed or injured in any year, in excess of \$1,000.

R.S.O. 1960,  
c. 111, s. 13,  
amended

**8.** Section 13 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and in the sixth line and inserting in lieu thereof in each instance "live stock".

R.S.O. 1960,  
c. 111, s. 14,  
amended

**9.** Section 14 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,  
c. 111, s. 16,  
subs. 1,  
amended

**10.** Subsection 1 of section 16 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line and inserting in lieu thereof "live stock".

R.S.O. 1960,  
c. 111, s. 17,  
amended

**11.** Section 17 of *The Dog Tax and Cattle, Sheep and Poultry Protection Act* is amended by striking out "cattle, sheep" in the second line, in the third line and in the seventh line and inserting in lieu thereof in each instance "live stock".

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Dog Tax and Cattle, Sheep and Poultry Protection Amendment Act, 1965*.

## CHAPTER 34

## An Act to amend The Drainage Act, 1962-63

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 29 of *The Drainage Act, 1962-63* is repealed and the following substituted therefor: 1962-63, c. 39, s. 29, re-enacted

29. The council of the initiating municipality shall, within five days after the adoption of the report, cause a copy of the provisional by-law and a notice of the sitting of the court of revision to be sent by prepaid mail to every other local municipality in which any land or road is assessed for the drainage works, and the council of the initiating municipality and every such other local municipality shall, within thirty days after the adoption of the report, cause a copy of the provisional by-law and a notice of the sitting of the court of revision to be sent by prepaid mail to each owner, as shown by the last revised assessment roll to be the owner of land in the municipality assessed for the drainage works, and to each person entitled to notice under subsection 4 of section 24. Copy of by-law to be sent to local municipalities and to owners

**2.** Section 30 of *The Drainage Act, 1962-63* is amended by adding thereto the following subsection: 1962-63, c. 39, s. 30, amended

(5) The council of an initiating municipality in a county that has passed a by-law appointing a county assessment commissioner under section 93a of *The Assessment Act* may by by-law provide that the court of revision for the trial of complaints under this Act shall be constituted under section 64 of *The Assessment Act*. Idem R.S.O. 1960, c. 23

**3.** This Act comes into force on the day it receives Royal Assent. Commencement

**4.** This Act may be cited as *The Drainage Amendment Act, 1965*. Short title





## CHAPTER 35

## An Act to amend The Elevators and Lifts Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 1 of *The Elevators and Lifts Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 119, s. 1,  
cl. *a*,  
re-enacted

(a) “attendant” means a person who, as the whole or a part of his normal duties,

(i) operates an elevator or incline lift, or

(ii) supervises the loading, passage or unloading of persons on an escalator or incline lift.

(2) Clause *f* of the said section 1 is amended by striking out “in a substantially vertical direction” in the third line and inserting in lieu thereof “at an angle exceeding 70 degrees from the horizontal”, so that the clause shall read as follows: R.S.O. 1960,  
c. 119, s. 1,  
cl. *f*,  
amended

(f) “elevator” means a mechanism affixed to a building or structure, equipped with a car or platform that moves in guides at an angle exceeding 70 degrees from the horizontal and that is used to lift or lower persons or freight in or about the building or structure, and includes its hoistway enclosure.

(3) Clause *j* of the said section 1 is amended by inserting after “incline” in the fourth line “of 70 degrees or less from the horizontal”, so that the clause shall read as follows: R.S.O. 1960,  
c. 119, s. 1,  
cl. *j*,  
amended

(j) “incline lift” means a mechanism having a power-driven rope, belt or chain, with or without handholds or seats, for lifting or lowering persons or freight on an incline of 70 degrees or less from the horizontal, and includes a ski lift and a ski tow.

**2.**—(1) Clause *a* of section 2 of *The Elevators and Lifts Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 119, s. 2,  
cl. *a*,  
re-enacted

(a)

- (a) elevators, dumb-waiters, escalators, manlifts or incline lifts in or in connection with private dwelling houses and used exclusively by the occupants thereof and their guests, unless the owner of any such mechanism requests that this Act be applied to it.

R.S.O. 1960,  
c. 119, s. 2,  
amended

- (2) The said section 2 is amended by adding thereto the following clause:

(ca) a lifting device that is,

- (i) part of a conveyor system,
- (ii) mechanically loaded and unloaded, and
- (iii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway.

R.S.O. 1960,  
c. 119, s. 2,  
cl. d,  
re-enacted

- (3) Clause *d* of the said section 2 is repealed and the following substituted therefor:

(d) freight ramps having a means of adjusting the slope of the ramp;

(da) freight platforms having a rise of sixty inches or less.

R.S.O. 1960,  
c. 119, s. 2,  
cl. g,  
re-enacted

- (4) Clause *g* of the said section 2 is repealed and the following substituted therefor:

(g) a construction hoist as defined in *The Construction Hoists Act, 1960-61*.

R.S.O. 1960,  
c. 119, s. 3,  
subs. 1,  
re-enacted

- 3.** Subsection 1 of section 3 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

Inspectors,  
appoint-  
ment

- (1) For the purpose of carrying out this Act, a chief inspector and such inspectors as are deemed necessary to enforce this Act shall be appointed, and the chief inspector shall have the general supervision and direction of the other inspectors for the purpose of enforcing this Act.

R.S.O. 1960,  
c. 119, s. 6,  
subs. 1,  
amended

- 4.**—(1) Subsection 1 of section 6 of *The Elevators and Lifts Act* is amended by striking out “or by a representative of an insurer” in the third line, so that the subsection shall read as follows:

Annual  
inspection  
of elevators,  
etc.

- (1) Every elevator, dumb-waiter, escalator, manlift and incline lift shall be inspected at least once annually by an inspector.

(2)

(2) Subsection 2 of the said section 6 is repealed.

R.S.O. 1960,  
c. 119, s. 6,  
subs. 2,  
repealed

5. Section 7 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 119, s. 7,  
re-enacted

7.—(1) The chief inspector shall upon request and payment of the prescribed fee supply the insurer of any elevator, dumb-waiter, escalator, manlift or incline lift with a copy of an inspector's report thereon if the insurer has the owner's permission to receive such copy.

Inspectors'  
reports to  
insurers

(2) Where an insurer files a request for future copies of inspectors' reports on a particular elevator, dumb-waiter, escalator, manlift or incline lift and the insurance thereon is subsequently cancelled, rejected or suspended, the insurer shall forthwith notify the chief inspector of such cancellation, rejection or suspension.

Idem

6. Section 8 of *The Elevators and Lifts Act*, as amended by section 1 of *The Elevators and Lifts Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 119, s. 8,  
re-enacted

8. In carrying out their duties, the inspectors shall, subject to this Act and the regulations, apply such safety code or parts thereof of the Canadian Standards Association for elevators, dumb-waiters, escalators, manlifts and incline lifts as is prescribed by the regulations.

C.S.A.  
Safety  
Code

7. Subsection 3 of section 13 of *The Elevators and Lifts Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 119, s. 13,  
subs. 3,  
re-enacted

(3) The licence is valid for the period for which it is granted, which shall not exceed twelve months, unless it is sooner suspended or revoked.

Term

8. Subsection 1 of section 15 of *The Elevators and Lifts Act* is amended by inserting after "freely" in the second line "or travels beyond its normal operating limits", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 119, s. 15,  
subs. 1,  
amended

(1) Where an elevator, dumb-waiter, escalator, manlift or incline lift falls freely or travels beyond its normal operating limits or where the emergency supporting devices engage or where an accident occurs that causes injury to any person, the owner shall give notice in writing with full particulars thereof to the chief inspector within twenty-four hours thereafter.

Notice of  
failure and  
accidents

R.S.O. 1960,  
c. 119, ss. 18,  
19,  
re-enacted

**9.** Sections 18 and 19 of *The Elevators and Lifts Act* are repealed and the following substituted therefor:

Compliance  
with Act  
and regu-  
lations  
required

18. The owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall not operate it and shall ensure that it is not operated unless it complies with this Act and the regulations.

Licence  
required

19. The owner of an elevator, dumb-waiter, escalator, manlift or incline lift shall not operate it and shall ensure that it is not operated unless it is licensed.

R.S.O. 1960,  
c. 119, s. 27,  
subs. 1,  
cls. *f*, *g*,  
repealed

**10.**—(1) Clauses *f* and *g* of subsection 1 of section 27 of *The Elevators and Lifts Act* are repealed.

R.S.O. 1960,  
c. 119, s. 27,  
subs. 1,  
cl. *ka*  
(1961-62,  
c. 38, s. 4),  
repealed;  
cl. *l*,  
re-enacted

(2) Clause *ka*, as enacted by section 4 of *The Elevators and Lifts Amendment Act, 1961-62*, and clause *l* of subsection 1 of the said section 27 are repealed and the following substituted therefor:

(*l*) adopting by reference in whole or in part with such changes as are considered advisable any safety code of the Canadian Standards Association for elevators, dumb-waiters, escalators, manlifts and incline lifts.

R.S.O. 1960,  
c. 119, s. 27,  
subs. 1,  
amended

(3) Subsection 1 of the said section 27 is amended by adding thereto the following clause:

(*ra*) prescribing the fees to be paid by insurers for copies of inspectors' reports.

1965  
licences to  
continue in  
force

**11.** The licence of an elevator, dumb-waiter, escalator, manlift or incline lift for the calendar year 1965 shall be deemed not to have expired at the end of that year but is valid and subsisting until the elevator, dumb-waiter, escalator, manlift or incline lift, as the case may be, is first inspected in 1966, unless sooner suspended or revoked.

Commence-  
ment

**12.** This Act comes into force on the 1st day of January, 1966.

Short title

**13.** This Act may be cited as *The Elevators and Lifts Amendment Act, 1965*.



CHAPTER 36

**An Act to amend  
The Emergency Measures Act, 1962-63**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 1 of *The Emergency Measures Act, 1962-63, 1962-63, c. 41, s. 1,* is repealed and the following substituted therefor: *cl. a, re-enacted*

(a) “Director” means the Director of the Emergency Measures Branch of the Department of the Attorney General.

**2.** Section 2 of *The Emergency Measures Act, 1962-63* is *1962-63, c. 41, s. 2, re-enacted* repealed and the following substituted therefor:

2. There shall be a branch of the Department of the Attorney General to be known as the Emergency Measures Branch which shall consist of the Director and such other officers and employees as are deemed necessary.

**3.** Subsection 1 of section 5 of *The Emergency Measures Act, 1962-63* is amended by striking out “Commissioner” in the second line and inserting in lieu thereof “Director”, so that the subsection shall read as follows: *1962-63, c. 41, s. 5, subs. 1, amended*

(1) Every plan shall be prepared under the supervision and guidance of the Director. *Duties of Director*

**4.** *The Emergency Measures Act, 1962-63* is amended by adding thereto the following section: *1962-63, c. 41, amended*

6a.—(1) In this section, *Interpretation*

(a) “emergency area” means the area in which an emergency exists;

(b)

(b) "minister" means a member of the Executive Council;

(c) "Prime Minister" means the President of the Executive Council.

Delegation  
of powers  
and duties

- (2) The powers and duties under any Act of any official, board, commission or other branch of the Government of Ontario may be delegated by an approved plan to any official, board, commission or branch of the government of a municipality for the purposes of the operation of the plan.

Emergency  
powers

- (3) Where an emergency exists in an emergency area that includes all or part of two or more municipalities that have separate plans, the exercise by a municipality in the emergency area of its powers and duties under this or any other Act for the purposes of the operation of a plan is subject to the direction and control of the Prime Minister or a minister designated by him, where he deems it necessary, and, without restricting the generality of the foregoing, the Prime Minister or minister designated by him may direct and control the administration, facilities and equipment of each municipality in the emergency area for the purposes of,

(a) maintaining, clearing and controlling the use of roads, streets and other public ways;

(b) generating, transmitting and distributing electric power and controlling the use and allocation of equipment for the purpose;

(c) obtaining and distributing accommodation, food and clothing and providing other welfare services;

1964, c. 27

(d) notwithstanding section 8 of *The Energy Act, 1964*, generating, transmitting and distributing gas and controlling the use and allocation of equipment for the purpose;

(e) providing or maintaining water supplies and sewage disposal;

(f) the enforcement of law;

(g) the fighting or prevention of fire; and

(h)

- (h) the health, safety and welfare of the inhabitants of the emergency area,

and the powers and duties of the municipality, upon the direction of the Prime Minister or minister designated by him, may be exercised for the benefit of any part of the emergency area notwithstanding that it is outside the boundary of the municipality.

- (4) Where an emergency exists in Ontario or any part thereof, the Prime Minister or a minister designated by him may require any municipality in Ontario to provide such assistance as is deemed necessary to the emergency area or any part thereof, and may authorize the payment of the cost of such assistance out of the Consolidated Revenue Fund. <sup>Assistance</sup>
- (5) Where an emergency exists, the approved plans applying to the emergency area shall operate according to their provisions, notwithstanding the provisions of any other Act. <sup>Plans to govern</sup>

**5.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

**6.** This Act may be cited as *The Emergency Measures Amendment Act, 1965*. <sup>Short title</sup>



CHAPTER 37

An Act to amend The Energy Act, 1964

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 26 of section 1 of *The Energy Act, 1964* is <sup>1964, c. 27, s. 1, par. 26, amended</sup> amended by inserting after “bored” in the second line “into a formation other than Precambrian”, so that the paragraph shall read as follows:

26. “well” means a well drilled or bored for gas or oil, and includes a hole drilled or bored into a formation other than Precambrian for obtaining sub-surface information, an injection well, a well for the disposal of waste substances and any other type of service well, a well for the storage of hydrocarbons, and an observation well, but does not include a well for the extraction of salt or brine or a well for the supply of water, except that, where gas or oil is encountered during any drilling or boring operation, the operation thereupon becomes a well.

2. Subsection 2 of section 5 of *The Energy Act, 1964* is <sup>1964, c. 27, s. 5, subs. 2, amended</sup> amended by striking out “or drilling” in the first line and inserting in lieu thereof “drilling, deepening or plugging”, so that the subsection shall read as follows:

(2) No person shall operate a machine for boring, drilling, <sup>No well-drilling machine to be operated without licence</sup> deepening or plugging wells unless the machine is licensed.

3.—(1) Clause *c* of subsection 1 of section 11 of *The Energy Act, 1964* is repealed and the following substituted therefor: <sup>1964, c. 27, s. 11, subs. 1, cl. c, re-enacted</sup>

(c) prescribing the terms and conditions of gas and oil production leases and gas storage leases or any part thereof, and providing for the making of statements or reports thereon.



1964, c. 27,  
s. 11,  
subs. 1,  
cl. j,  
amended

(2) Clause *j* of subsection 1 of the said section 11 is amended by adding at the end thereof “and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation”, so that the clause shall read as follows:

- (j) to provide for the designation of spacing units and regulating the location of wells in spacing units and requiring and regulating the joining of the various interests within a spacing unit for the purpose of drilling or operating a well and the apportioning of the costs and the benefits of such drilling or operation.

1964, c. 27,  
s. 11,  
subs. 2,  
cl. g,  
amended

(3) Clause *g* of subsection 2 of the said section 11 is amended by striking out “gas” in the third line, so that the clause shall read as follows:

- (g) providing for the registration of persons or classes of persons who may inspect, install, repair, service or remove appliances or pipe lines, and prescribing the acts that such persons must perform personally.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Energy Amendment Act, 1965*.

## CHAPTER 38

## An Act to amend The Expropriation Procedures Act, 1962-63

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Expropriation Procedures Act, 1962-63* is amended by adding thereto the following subsection: 1962-63,  
c. 43, s. 2,  
amended

- (6) This Act does not apply to the use of or injury to land authorized under *The Drainage Act, 1962-63* for the purposes of a drainage works constructed under that Act or to any proceedings in connection therewith. Application  
to  
1962-63,  
c. 39

**2.** Sections 9 and 10 of *The Expropriation Procedures Act, 1962-63* are repealed and the following substituted therefor: 1962-63,  
c. 43,  
ss. 9, 10,  
re-enacted

9. Where the expropriating authority and the owner have not agreed upon the compensation payable under section 6 and, in the case of injurious affection, section 7 has been complied with, or, in the case of expropriation, section 8 has been complied with or the time for complying therewith has expired, the expropriating authority or the owner may serve notice of negotiation upon the other of them and upon the board of negotiation stating that it or he, as the case may be, requires the compensation to be negotiated under section 9a, or, where the expropriating authority and the owner are in agreement on the matter, they may have the compensation determined by arbitration under section 10. Choice of  
proceedings,  
negotiation  
or  
arbitration

9a.—(1) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman. Board of  
negotiation

- Cost (2) The cost of the board of negotiation shall be paid in the fiscal year 1965-66 out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.
- Quorum (3) Any two of the members of the board of negotiation constitute a quorum and are sufficient to perform all the functions of the board on behalf of the board.
- Place of sitting (4) The board of negotiation may sit at any place in Ontario.
- Negotiation of amount of compensation (5) In any case in which a notice of negotiation is served, the board of negotiation shall, upon reasonable notice to the expropriating authority and the owner, meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the compensation.
- Inspection of land (6) Before or during the negotiation proceedings, the board of negotiation shall inspect the land that has been expropriated or injuriously affected.
- Where no settlement reached (7) If the negotiation proceedings do not result in a settlement of the compensation, the expropriating authority or the owner may serve notice of arbitration upon the other of them, stating that it or he, as the case may be, requires the compensation to be determined by arbitration as though the negotiation proceedings had not taken place.
- Tribunal for determining compensation where a municipality is the expropriating authority R.S.O. 1960, cc. 98, 250, 274, 249 10.—(1) Where the expropriating authority is a municipality as defined in *The Department of Municipal Affairs Act*, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined by,
- (a) the judge, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply;
  - (b) the official arbitrator, in which case the provisions of *The Municipal Arbitrations Act* as to procedure apply; or
  - (c) the Board, in which case the provisions of *The Ontario Municipal Board Act* as to procedure apply,

as provided for in Part XVI of *The Municipal Act*.

(2) Where the expropriating authority has received its authority under section 21 or 41 of *The Ontario Energy Board Act, 1964* or a predecessor thereof, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined under section 21 or 41, as the case may be, of that Act. <sup>Idem, gas storage and pipe lines 1964, c. 74</sup>

(3) Where the expropriating authority does not come within subsection 1 or 2 or where the municipality mentioned in subsection 1 is a local board of more than one municipality, a claim for compensation, if not agreed upon by the authority and the owner and if not settled by negotiation proceedings, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except sections 94 and 95, applies so far as is practicable to every such claim. <sup>Idem, Crown and certain other expropriating authorities R.S.O. 1960, c. 274</sup>

**3.** The negotiation procedures established by section 9a of *The Expropriation Procedures Act, 1962-63*, as enacted by section 2 of this Act, are available in any case in which a notice of arbitration under section 9 of *The Expropriation Procedures Act, 1962-63* has not been served before the day on which this Act comes into force. <sup>Pending cases 1962-63, c. 43</sup>

**4.—(1)** This Act, except section 1, comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1964. <sup>Idem</sup>

**5.** This Act may be cited as *The Expropriation Procedures Amendment Act, 1965*. <sup>Short title</sup>





## CHAPTER 39

## An Act to amend The Farm Products Marketing Act

*Assented to, except section 3 (2-4), June 22nd, 1965*

*Section 3 (2-4) assented to April 14th, 1965*

*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 3 of section 3 of *The Farm Products Marketing Act* is amended by inserting after “chairman” in the second line “and one of the members of the Board to act as vice-chairman”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 137, s. 3,  
subs. 3,  
amended

(3) The Lieutenant Governor in Council may appoint one of the members of the Board to act as chairman and one of the members of the Board to act as vice-chairman.

Chairman:  
vice-  
chairman

(2) The said section 3 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 137, s. 3,  
amended

(4a) At any meeting of the Board, a quorum shall consist of at least three members of the Board, one of whom shall be either the chairman or the vice-chairman.

Quorum

**2.** Section 4 of *The Farm Products Marketing Act*, as amended by section 3 of *The Farm Products Marketing Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 137, s. 4,  
amended

(6) No member of the Board or of a local board and no officer, clerk or employee of the Board or of a local board is personally liable for anything done by it or by him in good faith under the authority, or purporting to be under the authority, of this Act.

Protection  
of board  
members  
and  
employees

**3.**—(1) Paragraph 5 of subsection 1 of section 8 of *The Farm Products Marketing Act* is repealed.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 5,  
repealed

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
amended

(2) Subsection 1 of the said section 8, as amended by section 2 of *The Farm Products Marketing Amendment Act, 1961-62* and section 6 of *The Farm Products Marketing Amendment Act, 1962-63*, is further amended by adding thereto the following paragraphs:

- 15a. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the local board or to any person or organization represented on the committee in respect of,
  - i. the promotion of harmonious relationships between persons engaged in the production and marketing of the regulated product,
  - ii. the promotion of greater efficiency in the production and marketing of the regulated product,
  - iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,
  - iv. the improvement of the quality and variety of the regulated product,
  - v. the improvement of the circulation of market information respecting the regulated product,
  - vi. without limiting the generality of any of the foregoing, any matter with respect to which the Board or the local board may be empowered to make regulations under this Act;
- 15b. determining the constitution of such advisory committees and regulating the practice and procedure of such committees.

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
amended

(3) Subsection 1 of the said section 8 is further amended by adding thereto the following paragraph:

- 16a. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,
  - i. to endeavour to effect agreement on any matter referred to in paragraph 16 that a negotiating agency has failed to adopt or settle by agreement, and
  - ii.

- ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency.

(4) Paragraph 19 of subsection 1 of the said section 8 is amended by inserting after "agencies" in the second line "conciliation boards", so that the paragraph shall read as follows:

R.S.O. 1960,  
c. 137, s. 8,  
subs. 1,  
par. 19,  
amended

- 19. determining the constitution of such negotiating agencies, conciliation boards and boards of arbitration and regulating the practice and procedure of such agencies and boards.

4. *The Farm Products Marketing Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 137,  
amended

10a.—(1) Where any person deems himself aggrieved by any order, direction or decision of a local board, he may appeal to the local board by serving upon the local board written notice of the appeal.

Appeal to  
local board

(2) Where any person deems himself aggrieved by,

Appeal  
to Board

(a) any decision of a local board on an appeal under subsection 1; or

(b) any order, direction or regulation made by the Board,

he may appeal to the Board by serving upon the Board written notice of the appeal.

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal.

Notice  
of appeal

(4) Upon receipt of a notice under clause a of subsection 2, the Board shall forthwith notify the local board, and the local board shall thereupon forthwith provide the Board with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession.

Local board  
to provide  
material

(5) In any appeal under subsection 1 or 2, the Board or the local board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard.

Notice  
of hearing

## Hearing

- (6) The Board or the local board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Board or the local board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Board or the local board deems just.

Right to  
be heard

- (7) At any hearing under this section, the person making the appeal has the right to attend and make representations and to adduce evidence respecting the appeal either by himself or through counsel.

## Idem

- (8) At any hearing of an appeal under clause *a* of subsection 2, the local board has the right to attend and make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel.

Disposition  
of appeal

- (9) Upon an appeal to the Board under clause *a* of subsection 2, the Board may, by order, direct the local board to take such action as the local board is authorized to take under this Act and as the Board deems proper, and for this purpose the Board may substitute its opinion for that of the local board.

Notice  
of decision

- (10) The Board or the local board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision.

Substantial  
compliance

- (11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith.

Service  
of notice

- (12) Where a notice is served under this section, it may be served personally or,
- (a) where the notice is served on the Board or a local board, by mailing the notice to the address of the Board or of the local board, as the case may be, at its usual business address; or
- (b) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

- (13) After the Board or a local board has decided an appeal <sup>Rehearing</sup> under this section, the Board or local board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

5.—(1) Clause *d* of subsection 2 of section 18 of *The Farm Products Marketing Act*, as enacted by section 11 of *The Farm Products Marketing Amendment Act, 1962-63*, is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 137, s. 18 (1962-63, c. 45, s. 11), subs. 2, cl. *d*, re-enacted</sup>

- (*d*) providing for the seizing, removing, destroying or otherwise disposing of any growing tobacco plants or tobacco produced or marketed in violation of this Act or the regulations, and the retention or disposition by the local board of any proceeds of the sale thereof.

(2) The said section 18 is amended by adding thereto the following subsection: <sup>R.S.O. 1960, c. 137, s. 18 (1962-63, c. 45, s. 11), amended</sup>

- (5) Notwithstanding section 13, every person who fails <sup>Penalty</sup> to comply with or contravenes any of the provisions of this section or of any regulation, order or direction of the Board or the local board made pursuant to this section is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$500 and, for a subsequent offence, to a fine of not less than \$500 and not more than \$5,000.

6. This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1965*. <sup>Short title</sup>





CHAPTER 40

An Act to amend  
The Financial Administration Act

Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Financial Administration Act* is amended by adding thereto the following subsection: R.S.O. 1960  
c. 142, s. 4,  
amended

(2) The Treasury Board may issue such administrative directives as it considers necessary in the performance of its duties. Administra-  
tive  
directives

2. Section 5 of *The Financial Administration Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 142, s. 5,  
amended

(aa) respecting the retention and disposal of records.

3. Clauses *a* and *b* of section 12 of *The Financial Administration Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 142, s. 12,  
cls. *a*, *b*,  
re-enacted

- (a) study and advise on the management of the public debt, on the sinking funds of Ontario, on the trends in the fields of public finance and on the effect of the policies of governments on public borrowing;
  - (b) administer and supervise all matters relating to the purchase and sale of securities under section 20 and relating to the raising of money under Part IV; and
- . . . . .

4. Section 34 of *The Financial Administration Act* is amended by striking out “\$650,000” in the sixth line and inserting in lieu thereof “\$1,000,000”, so that the section shall read as follows: R.S.O. 1960,  
c. 142, s. 34,  
amended

34. The Treasurer may pay out of the Consolidated Revenue Fund accounts for legislative and departmental printing, paper and stationery and other Authority  
for pay-  
ments of  
accounts for  
printing,  
stationery,  
etc.

supplies

supplies delivered to the Queen's Printer, but the amount of such deliveries remaining on hand and in the course of distribution shall not exceed in any fiscal year the sum of \$1,000,000.

R.S.O. 1960,  
c. 142, s. 62,  
re-enacted

**5.** Section 62 of *The Financial Administration Act* is repealed and the following substituted therefor:

Interpre-  
tation

62.—(1) In this section, "Crown" includes any agency of the Crown.

Set-off

(2) Where in the opinion of the Treasurer a person is indebted to the Crown in right of Ontario or in right of Canada in any specific sum of money, the Treasurer may authorize the Comptroller of Accounts,

(a) to retain by way of deduction or set-off, out of any money that is due and payable by the Crown in right of Ontario to such person, such sum as the Treasurer sees fit in the circumstances; and

(b) to pay such sum to such public officer as he thinks appropriate to receive it.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Financial Administration Amendment Act, 1965*.

CHAPTER 41

An Act to amend The Fire Marshals Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 3 of section 3a of *The Fire Marshals Act*, <sup>R.S.O. 1960, c. 148, s. 3a</sup> as enacted by section 2 of *The Fire Marshals Amendment Act*, <sup>(1961-62, c. 44, s. 2),</sup> 1961-62 and amended by section 2 of *The Fire Marshals Amendment Act*, 1962-63, <sup>subs. 3, repealed</sup> is repealed.
- 2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>
- 3. This Act may be cited as *The Fire Marshals Amendment Act*, 1965. <sup>Short title</sup>





CHAPTER 42

An Act to provide a Provincial Flag for Ontario

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS it is deemed expedient to adopt a flag of <sup>Preamble</sup> historical significance as the provincial flag of the Province of Ontario;

AND WHEREAS it is desirable that such flag have the design and colouring of the Canadian Red Ensign except that the badge in the fly be the shield of the armorial bearings of the Province of Ontario granted by Royal Warrant in 1868;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The flag described and illustrated in the Schedule to <sup>Provincial flag</sup> this Act is hereby adopted as the provincial flag of the Province <sup>adopted</sup> of Ontario.

**2.** This Act comes into force on a day to be named by the <sup>Commence-</sup> Lieutenant Governor by his proclamation. <sup>ment</sup>

**3.** This Act may be cited as *The Flag Act, 1965*. Short title

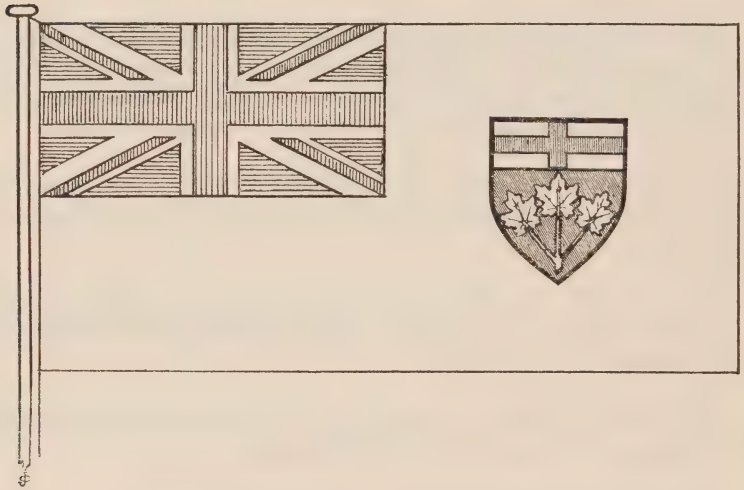
## SCHEDULE

## 1. Description:

A flag of the shade of red specified in the next following paragraph and of the proportions two by length and one by width with the Union Jack occupying the upper quarter next the staff and with the shield of the armorial bearings of the Province of Ontario centred in the half farthest from the staff.

British Admiralty Colour Code No. T1144 for nylon worsted bunting and No. T818A for other bunting.

## 2. Illustration:



## CHAPTER 43

**An Act to amend  
The Gas and Oil Leases Act, 1962-63**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 2 of *The Gas and Oil Leases Act, 1962-63* is amended by inserting after “land” in the first line “or any other person having an interest in such land or any person authorized by such lessor or other person”, by inserting after “drill” in the third line of clause *a* “or has failed to complete the drilling of” and by striking out “the lessor” in the eighteenth line and inserting in lieu thereof “such lessor or other person”, so that the subsection shall read as follows:

- (1) Where the lessor of any land or any other person having an interest in such land or any person authorized by such lessor or other person alleges, Application upon default
- (a) that a lessee has made default under the terms of a gas or oil lease affecting the land in that he has failed to commence to drill or has failed to complete the drilling of a well for natural gas or oil and has failed to pay rentals in lieu thereof; or
  - (b) that a lessee has made default under the terms of a gas or oil lease affecting the land, other than a default specified in clause *a*, and
    - (i) that the default has continued for a period of two years, or
    - (ii) that, the default having continued for a period of less than two years, the lessor has given notice in writing to the lessee specifying the default alleged

and

and requiring the lessee to cure the default within thirty days of the giving of the notice, and that the lessee has not cured the default within such thirty days,

such lessor or other person may apply, upon affidavit, to a judge for an order declaring the lease void and, if the lease or any assignment or transfer thereof is registered, vacating every such registration.

1962-63,  
c. 49, s. 2,  
amended

(2) The said section 2 is amended by adding thereto the following subsection:

Idem

(6) Where an application is made by a person other than the lessor, the notice and affidavit mentioned in subsection 4 shall be served upon the lessor in the manner mentioned in that subsection.

1962-63,  
c. 49, s. 6,  
amended

**2.** Section 6 of *The Gas and Oil Leases Act, 1962-63* is amended by striking out "applicant" in the tenth line and inserting in lieu thereof "lessor", so that the section shall read as follows:

Subsequent  
drilling,  
etc., not  
to be  
taken into  
account

6. The judge, upon the hearing of the application, shall not take into account,

(a) any drilling done or sought to be done after the making of the application;

(b) any rentals or other remuneration tendered after the making of the application; or

(c) any other attempt, made after the making of the application, to cure a default,

unless such drilling, tender or other action is agreed to or accepted by the lessor.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Gas and Oil Leases Amendment Act, 1965*.

## CHAPTER 44

## An Act to amend The General Sessions Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 4 of section 3 of *The General Sessions Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 163, s. 3,  
subs. 4,  
re-enacted

(4) In the county of Essex, the sittings of the court in each year shall commence on the first Monday in April and in October.

Essex

**2.** *The General Sessions Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 163,  
amended

4a. The chief judge may require additional sittings of the court to be held in the county and at the time that he specifies.

Additional  
sittings

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The General Sessions Amendment Act, 1965*.

Short title





## CHAPTER 45

## An Act to amend The Highway Improvement Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 30 of *The Highway Improvement Act* is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 171, s. 30,  
amended

(8) The Minister or any person authorized by him may enter upon any land adjacent to the King's Highway without the consent of the owner and may erect and maintain snow fences thereon subject to payment for such damage as is suffered by the owner of the land so entered upon, and the amount thereof, if not agreed upon, shall be determined in the manner provided by section 11. Snow  
fences

(9) Any person who hinders or interferes with the erection of snow fences under subsection 8, or who, without lawful authority, takes down, removes or otherwise interferes with snow fences that have been erected under that subsection, is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50. Offence

**2.** Subsection 2 of section 42 of *The Highway Improvement Act* is amended by striking out "hereof" in the fifth line and inserting in lieu thereof "thereof". R.S.O. 1960,  
c. 171, s. 42,  
subs. 2,  
amended

**3.** Subsection 1 of section 90 of *The Highway Improvement Act* is amended by striking out "municipality, other than a city, separated town, town or village" in the third and fourth lines and inserting in lieu thereof "town or village in a territorial district or of a county or of a township", so that the subsection shall read as follows: R.S.O. 1960,  
c. 171, s. 90,  
subs. 1,  
amended

(1) The Minister may designate as a development road a road or proposed road under the jurisdiction and control of a town or village in a territorial district Designation  
of develop-  
ment roads

or of a county or of a township which because of the requirements of traffic he considers should be constructed, improved or maintained to a higher standard than is reasonable having regard to the economic situation of the municipality.

R.S.O. 1960,  
c. 171, s. 94a  
(1964, c. 37,  
s. 6),  
subs. 2,  
re-enacted

**4.** Subsection 2 of section 94a of *The Highway Improvement Act*, as enacted by section 6 of *The Highway Improvement Amendment Act, 1964*, is repealed and the following substituted therefor:

Express-  
ways and  
freeways

- (2) The Minister and any municipality may enter into agreement for the acquisition of land required for and for the construction, maintenance and operation of an expressway or freeway that has been or is proposed to be designated as a controlled-access road or as a controlled-access highway under this Act, and any land acquired by a municipality under such an agreement shall be deemed to be land required for the purposes of the municipality.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Highway Improvement Amendment Act, 1965*.

## CHAPTER 46

## An Act to amend The Highway Traffic Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 1 of *The Highway Traffic Act* is amended by adding thereto the following paragraph: R.S.O. 1960,  
c. 172, s. 1,  
subs. 1,  
amended

17a. “park” or “parking”, when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

(2) Paragraph 18a of subsection 1 of the said section 1, as enacted by subsection 1 of section 1 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 172, s. 1,  
subs. 1,  
par. 18a  
(1964,  
c. 38, s. 1,  
subs. 1),  
re-enacted

18a. “pedestrian crossover” means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations.

(3) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraphs: R.S.O. 1960,  
c. 172, s. 1,  
subs. 1,  
amended

25a. “stand” or “standing”, when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers;

25b. “stop” or “stopping”, when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal.

R.S.O. 1960,  
c. 172, s. 1,  
amended

(4) The said section 1 is amended by adding thereto the following subsection:

King's  
Highway  
overpass,  
underpass

- (3) For the purposes of this Act and the regulations and of municipal by-laws referred to in clauses *a*, *b* and *c* of subsection 1 of section 108, every overpass or underpass forming part of the King's Highway shall be deemed to form part of the highway of which it is a connecting link.

R.S.O. 1960,  
c. 172, s. 9,  
subs. 1,  
re-enacted

**2.** Subsection 1 of section 9 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Violations  
as to  
number  
plates

(1) Every person who,

- (a) defaces or alters any number plate furnished by the Department;
- (b) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle, trailer or conversion unit;
- (c) without the authority of the owner, removes a number plate from a motor vehicle, trailer or conversion unit;
- (d) uses or permits the use of any number plate upon a motor vehicle, trailer or conversion unit, except the one issued by the Department for the motor vehicle, trailer or conversion unit; or
- (e) does not, within six days, forward a notice on the prescribed form of the sale or purchase by or to him of a motor vehicle, trailer or conversion unit for which a permit has been issued,

is liable to a fine of not more than \$500 or to imprisonment for a term of not more than thirty days, or to both, and in addition his licence or permit may be suspended for a term of not more than six months.

R.S.O. 1960,  
c. 172, s. 10,  
subs. 3,  
re-enacted

**3.** Subsection 3 of section 10 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Numbers to  
be kept  
clean

- (3) The number plates shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be plainly visible at all times, and the



view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the vehicle or any attachments thereto, or by the load carried.

4. Subsection 1 of section 25 of *The Highway Traffic Act* is amended by striking out "Minister" in the first line and where it occurs the first and second times in the ninth line and inserting in lieu thereof in each instance "Registrar", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 172, s. 25,  
subs. 1,  
amended

- (1) The Registrar may, at any time for misconduct or contravention of the provisions of this Act, *The Public Vehicles Act* or *The Public Commercial Vehicles Act* or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason that he may deem sufficient, suspend or cancel any permit or licence, and no further or other licence or permit shall be issued to such owner, operator or chauffeur during such suspension or, in the case of a cancellation, until the Registrar approves, and the Registrar may also for such misconduct or contravention or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable, and every such person who drives a motor vehicle during the prohibited period is liable to a fine of not more than \$500.

Power to  
cancel  
permit or  
licence and  
to prohibit  
driving  
R.S.O. 1960,  
cc. 337, 319

5. *The Highway Traffic Act* is amended by adding thereto the following sections:

R.S.O. 1960,  
c. 172,  
amended

25a.—(1) There shall be a board known as the Licence Suspension Appeal Board, which shall consist of three or more members appointed by the Lieutenant Governor in Council, and one of them shall be designated as chairman.

Licence  
Suspension  
Appeal  
Board

(2) The members of the Board shall be paid such remuneration as is determined by the Lieutenant Governor in Council.

Remunera-  
tion

(3) The Lieutenant Governor in Council may make regulations prescribing the duties of the Board, the fees to be paid on applications and the rules of practice and procedure applicable to procedures before the Board.

Regulations

25b.—(1) Every person who deems himself aggrieved by a decision of the Registrar under section 25 may appeal the decision to the Licence Suspension Appeal Board.

Appeal

Powers of  
Board

- (2) The Board may confirm, modify or set aside the decision of the Registrar.

Appeal  
to county  
judge

- (3) Every person who deems himself aggrieved by a decision of the Board may, within thirty days after a notice of the decision is sent to his latest address as recorded with the Board, appeal the decision of the Board to a judge of the county or district court of the county or district in which the person resides.

Powers  
of judge

- (4) The judge may confirm, modify or set aside the decision of the Board.

Application  
of s. 28

- (5) Section 28 does not apply to the suspension or cancellation of a licence or permit under section 25.

R.S.O. 1960,  
c. 172, s. 33,  
subss. 1, 2,  
re-enacted

6.—(1) Subsections 1 and 2 of section 33 of *The Highway Traffic Act* are repealed and the following substituted therefor:

Lamps  
required  
on all  
motor  
vehicles

- (1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front of the vehicle which shall display a white or amber light only, and one on the rear of the vehicle which shall display a red light only, except in the case of a motorcycle without a side car, which shall carry one lamp on the front of the vehicle which shall display a white light only and one on the rear of the vehicle which shall display a red light only, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

Lamps and  
reflectors  
required on  
rear of  
new motor  
vehicles

- (2) No person shall sell, offer or expose for sale,
- (a) a new motor vehicle manufactured after the 1st day of January, 1966, other than a commercial motor vehicle or a motorcycle, unless,
- (i) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle, and

- (ii) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department or, in lieu of each reflector, red reflective material covering a surface of not less than 16 square inches; or

- (b) a motorcycle, unless there is affixed to the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department or red reflective material covering a surface of not less than 16 square inches.

(2) Subsection 4 of the said section 33 is amended by <sup>R.S.O. 1960, c. 172, s. 33, subs. 4, amended</sup> striking out "and 10 do not apply to a motor" in the second and third lines and inserting in lieu thereof "10, 20, 21, 24 and 25 do not apply to a", so that the subsection shall read as follows:

- (4) Subsection 3 does not apply to a motor vehicle <sup>Lighted streets</sup> parked on a highway and subsections 1, 6, 9, 10, 20, 21, 24 and 25 do not apply to a vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that the vehicle is clearly discernible within a distance of 200 feet.

(3) Subsection 6 of the said section 33, as amended by <sup>R.S.O. 1960, c. 172, s. 33, subs. 6, re-enacted</sup> section 8 of *The Highway Traffic Amendment Act, 1962-63*, is repealed and the following substituted therefor:

- (6) When on a highway at any time from one-half hour <sup>Clearance lamps required on wide vehicles</sup> after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less,

- (a) every commercial motor vehicle and trailer having a width at any part in excess of 80 inches, other than a truck tractor, shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which

shall

shall display an amber light, and two lighted clearance lamps, one on each side of the rear of the vehicle, which shall display a red light; or

- (b) every truck tractor having a width at any part in excess of 80 inches shall carry, in addition to the lamps required by subsection 1, two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the rear of the vehicle, which shall display a red light,

and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of clearance lamps on the rear of the vehicle, and all such lamps shall be affixed within 6 inches of the side of the vehicle or, where a commercial motor vehicle is equipped with a rear vision mirror or mirrors that extend in whole or in part beyond the side of the vehicle, the clearance lamps at the front of the vehicle shall be affixed to such mirror or mirrors.

R.S.O. 1960,  
c. 172, s. 33,  
subs. 9,  
re-enacted

(4) Subsection 9 of the said section 33 is repealed and the following substituted therefor:

Identifica-  
tion lamps

- (9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lighted lamps displaying green or amber lights at the front, except in the case of a public vehicle which shall display amber lights at the front, and three lighted lamps displaying red lights at the rear, and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer.



(5) Subsection 10 of the said section 33, as amended by R.S.O. 1960, c. 172, s. 33, subs. 10, re-enacted subsection 1 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

- (10) When on a highway outside a city, town or village Side marker lamps at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not fewer than four lighted side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle.

(6) Subsections 14, 16, 20 and 21 of the said section 33 are R.S.O. 1960, c. 172, s. 33, subss. 14, 16, 20, 21, re-enacted repealed and the following substituted therefor:

- (14) When on a highway at any time from one-half hour Bicycles and tri-cycles, lights on, etc. after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every bicycle or tricycle shall carry on the front thereof a lighted lamp displaying a white or amber light and on the rear thereof a lighted lamp displaying a red light or a reflector approved by the Department, and in addition there shall be placed on the front forks thereof white reflective material, and on the rear thereof red reflective material covering a surface of not less than ten inches in length and one inch in width.

. . . . .



Rear  
lamp to  
illuminate  
number  
plate

- (16) The lamp on the rear of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, illuminate the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only.

Lamps to  
be carried  
on engine

- (20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, carry a lighted lamp in a conspicuous place in front, which shall display a white or green light only, and one on the rear of the engine or of any vehicle that may be attached to it, which shall display a red light only.

Lamps  
required  
on rear of  
trailer, etc.

- (21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every trailer and every object or contrivance drawn by a vehicle shall carry on the rear thereof one lighted lamp, which shall display a red light only.

R.S.O. 1960,  
c. 172, s. 33,  
subs. 22,  
re-enacted

- (7) Subsection 22 of the said section 33, as amended by subsection 2 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

Lights on  
vehicles,  
objects and  
contrivances  
over 96  
inches in  
width

- (22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches,

shall

shall carry at the rear two lighted lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle, and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

(8) Subsection 24 of the said section 33 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 33,  
subs. 24,  
re-enacted

- (24) Subject to subsection 26, every vehicle, other than a motor vehicle, bicycle, tricycle or a vehicle referred to in subsection 21, 22 or 25, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, shall carry in a conspicuous position on the left side thereof a lighted lamp which shall display a white light to the front and a red light to the rear or a lighted lamp which shall display a white light to the front and a lighted lamp which shall display a red light to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and the rear of the vehicle, as the case may be.

Lamps on  
all vehicles,  
except  
motor  
vehicles,  
etc.

(9) Subsection 25 of the said section 33, as amended by subsection 3 of section 3 of *The Highway Traffic Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 33,  
subs. 25,  
re-enacted

- (25) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, shall carry the lighted lamps required for motor vehicles under subsection 1.

Lights on  
farm  
tractors

7. Section 44 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 172, s. 44,  
re-enacted

- 44.—(1) No person shall drive on a highway a motor vehicle that is equipped with a television receiving set,

Television  
in motor  
vehicle

- (a) any part of which is located in the motor vehicle forward of the back of the driver's seat; or

(b)

- (b) that is visible to the driver while he is operating the motor vehicle.

Operation of  
television  
in motor  
vehicle

- (2) No person shall drive on a highway a motor vehicle in which a television set, while being operated, is located in the motor vehicle forward of the back of the driver's seat or is visible to the driver while he is operating the motor vehicle.

R.S.O. 1960,  
c. 172, s. 51,  
amended

8. Section 51 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Lamps and  
reflectors  
required on  
rear of new  
commercial  
motor  
vehicles and  
trailers

- (2a) No person shall sell, offer or expose for sale a new commercial motor vehicle or trailer manufactured after the 1st day of January, 1966, other than a truck tractor, unless,

(a) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible for a distance of at least 500 feet from the rear of the vehicle; and

(b) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2a  
(1960-61,  
c. 34, s. 6,  
subs. 6),  
amended

9.—(1) Subsection 2a of section 52 of *The Highway Traffic Act*, as enacted by subsection 6 of section 6 of *The Highway Traffic Amendment Act, 1960-61*, is amended by striking out "December, 1965" in the seventh line and inserting in lieu thereof "March, 1966", so that the subsection shall read as follows:

Moving of  
three-axle  
semi-trailers  
registered  
prior to  
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including the 31st day of March, 1966.

R.S.O. 1960,  
c. 172, s. 52,  
subs. 2b  
(1962-63,  
c. 56, s. 10),  
amended

(2) Subsection 2b of the said section 52, as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1962-63*, is amended by striking out "December, 1965" in the first line and inserting in lieu thereof "March, 1966", so that the subsection shall read as follows:

Prohibition  
re combina-  
tion of  
vehicles

- (2b) After the 31st day of March, 1966, no combination of vehicles having a gross weight of more than 84,000 pounds shall be moved upon a highway.

**10.**—(1) Subclause i of clause *a* of subsection 1 of section 59 of *The Highway Traffic Act* is amended by striking out “built-up area or urban area” in the second line and inserting in lieu thereof “or built-up area”. R.S.O. 1960, c. 172, s. 59, subs. 1, cl. a, subcl. i, amended

(2) Subclause ii of clause *a* of subsection 1 of the said section 59 is amended by striking out “built-up area or urban area” in the fifth and sixth lines and inserting in lieu thereof “or built-up area”. R.S.O. 1960, c. 172, s. 59, subs. 1, cl. a, subcl. ii, amended

(3) Subsection 10 of the said section 59 is amended by striking out “built-up area or urban area” in the sixth and seventh lines and inserting in lieu thereof “or built-up area”. R.S.O. 1960, c. 172, s. 59, subs. 10, amended

**11.** Section 88 of *The Highway Traffic Act* is amended by striking out “from one-half hour after sunset to one-half hour before sunrise” in the first and second lines and inserting in lieu thereof “when lighted lamps are required to be displayed on vehicles”, so that the section, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 172, s. 88, amended

88. When on a highway at any time when lighted lamps are required to be displayed on vehicles, the driver of a motor vehicle equipped with multiple beam headlamps shall use the lower or passing beam when, Use of passing beam

. . . . .

**12.**—(1) Subsections 1 and 2 of section 89 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 89, subs. 1, 2, re-enacted

(1) No person shall park, stand or stop a vehicle on a roadway, Parking on roadway

(a) when it is practicable to park, stand or stop the vehicle off the roadway; or

(b) when it is not practicable to park, stand or stop the vehicle off the roadway unless a clear view of the vehicle and of the roadway for at least 400 feet beyond the vehicle may be obtained from a distance of at least 400 feet from the vehicle in each direction upon the highway.

(2) Subsection 1 does not apply to a roadway within a city, town or village, and the provisions of subsection 1 with respect to parking, standing or stopping do not apply to a portion of a roadway in respect of which a by-law passed by the council of a township or county or by the trustees of a police village prohibiting or regulating parking, standing or stopping on the roadway, as the case may be, is in force. Where subs. 1 not to apply



R.S.O. 1960,  
c. 172, s. 89,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 89 is repealed and the following substituted therefor:

Regulations,  
parking, etc.

(3) The Lieutenant Governor in Council may make regulations prohibiting or regulating the parking, standing or stopping of vehicles upon a highway or any part of a highway or upon any class or classes thereof.

Effect of  
regulation  
on munici-  
pal by-law

(3a) The part of every municipal by-law that is inconsistent with or has the same effect as a regulation made under subsection 3 is revoked on the day the regulation comes into force.

R.S.O. 1960,  
c. 172, s. 89,  
subs. 6,  
amended

(3) Subsection 6 of the said section 89 is amended by striking out "leave" in the first line and inserting in lieu thereof "stand", so that the subsection shall read as follows:

Precaution  
against  
vehicle  
being set  
in motion

(6) No person shall park or stand a vehicle on a highway unless he has taken such action as may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion.

R.S.O. 1960,  
c. 172, s. 89,  
subs. 7,  
amended

(4) Subsection 7 of the said section 89 is amended by striking out "from one-half hour after sunset to one-half hour before sunrise" in the second and third lines and inserting in lieu thereof "when lighted lamps are required to be displayed on vehicles", so that the subsection, exclusive of the clauses, shall read as follows:

Warning  
lights on  
commercial  
motor  
vehicles

(7) Every commercial motor vehicle, when on a highway outside a city, town or village at any time when lighted lamps are required to be displayed on vehicles, shall be equipped with a sufficient number of,

R.S.O. 1960,  
c. 172, s. 89,  
subs. 8,  
amended

(5) Subsection 8 of the said section 89 is amended by striking out "one-half hour before sunrise" in the eighth and ninth lines and inserting in lieu thereof "such time as lighted lamps are not required to be displayed on vehicles", so that the subsection shall read as follows:

Flares on  
disabled  
commercial  
motor  
vehicle or  
trailer

(8) When any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the roadway outside a city, town or village, the driver or other person in charge of the vehicle shall cause such flares, lamps or lanterns to be lighted, and shall cause them or portable reflectors approved by the Department to be placed and maintained on the highway until such time as lighted lamps are not required to be displayed on vehicles or the removal of



the vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle.

(6) Subsection 9 of the said section 89 is repealed and the following substituted therefor: R.S.O. 1960,  
c. 89, s. 89,  
subs. 9,  
re-enacted

(9) Notwithstanding the other provisions of this section, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway. Vehicles  
interfering  
with traffic

(9a) The provisions of subsection 9 with respect to parking or standing in such a manner as to interfere with the movement of traffic or with the clearing of snow from the highway do not apply to a portion of a highway in respect of which a municipal by-law prohibiting or regulating parking or standing in such a manner as to interfere with traffic or with the clearing of snow from the highway, as the case may be, is in force. Application  
of subs. 9  
where by-law  
in force

(7) Subsection 11 of the said section 89 is amended by striking out "left" in the third line and inserting in lieu thereof "standing", so that the subsection shall read as follows: R.S.O. 1960,  
c. 172, s. 89,  
subs. 11,  
amended

(11) A constable or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection 9 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place, and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*. Powers of  
constable  
to remove  
vehicle  
  
R.S.O. 1960,  
c. 233

**13.** *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 172,  
amended

110a. Where the Registrar has suspended a licence or permit under this Part, he shall send notice of such suspension by registered mail to the latest address appearing on the records of the Department of the person whose licence or permit is suspended. Notice of  
suspension

**14.** Section 113 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 172, s. 113,  
amended

(1a) Notwithstanding subsection 1, the Registrar shall not suspend under subsection 1 the driver's licence and owner's permit of any person who is indebted to the Motor Vehicle Accident Claims Fund. Application  
where person  
indebted to  
Fund

R.S.O. 1960,  
c. 172, s. 144,  
subs. 1,  
re-enacted

**15.** Subsection 1 of section 144 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Notification  
of damage  
to trees,  
fences, etc.

- (1) Every person who, as a result of an accident or otherwise, operates or drives a vehicle or leads, rides or drives an animal upon a highway and thereby damages any shrub, tree, pole, light, sign, sod or other property on the highway or a fence bordering the highway shall forthwith report such damage to a police officer or constable or to the Registrar.

Commence-  
ment

**16.**—(1) This Act, except sections 2, 3, 4, 5, 6, 11, 12 and 15, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4, 5, 6, 11, 12 and 15 come into force on the 1st day of September, 1965.

Short title

**17.** This Act may be cited as *The Highway Traffic Amendment Act, 1965*.

## CHAPTER 47

**An Act to amend  
The Homes for Retarded Children Act, 1962-63**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 5 of *The Homes for Retarded Children Act*, 1962-63, c. 57, s. 5, 1962-63 is repealed and the following substituted therefor: re-enacted

5. When the site and plans of a new building or the plans of an addition to an existing building used or to be used as a home for retarded children have been approved by the Minister under clause *c* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved local association, erecting the new building or the addition, of an amount equal to the cost to the local association of the new building or the addition, but not exceeding an amount based upon the bed capacity of the new building or the addition at the rate of \$5,000 per bed. Grants for construction of buildings or additions

**2.** Section 6 of *The Homes for Retarded Children Act*, 1962-63, c. 57, s. 6, 1962-63 is repealed and the following substituted therefor: re-enacted

6. When the acquisition of a building to be used as a home for retarded children has been approved by the Minister under clause *d* of subsection 1 of section 4, the Lieutenant Governor in Council may, out of the moneys appropriated therefor by the Legislature, direct payment to the approved local association, acquiring the building, of an amount equal to the cost to the local association of the acquisition, but not exceeding an amount based on the bed capacity of the building at the rate of \$1,200 per bed. Grants for acquisition of buildings

**3.** Section 8 of *The Homes for Retarded Children Act*, 1962-63, c. 57, s. 8, 1962-63 is repealed and the following substituted therefor: re-enacted

Subsidy for  
operating  
and main-  
tenance costs

8. Subject to section 9, there shall be paid to an approved local association, out of the moneys appropriated therefor by the Legislature, an amount equal to 75 per cent of the cost to the local association, computed in accordance with the regulations, of providing residential accommodation for those children who are residing in an approved home that is maintained and operated by the local association and who have not been committed to the care of a children's aid society under *The Child Welfare Act, 1965* or any predecessor thereof.

1965, c. 14

1962-63,  
c. 57, s. 12,  
cl. *h*,  
re-enacted

- 4.**—(1) Clause *h* of section 12 of *The Homes for Retarded Children Act, 1962-63* is repealed and the following substituted therefor:

(*h*) prescribing the manner of computing costs to local associations for the purposes of sections 7 and 8.

1962-63,  
c. 57, s. 12,  
cls. *i*, *j*,  
repealed

- (2) Clauses *i* and *j* of the said section 12 are repealed.

Commence-  
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Homes for Retarded Children Amendment Act, 1965*.

## CHAPTER 48

# An Act to provide for the Settlement by Arbitration of Labour Disputes in Hospitals

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

- (a) “hospital” means any hospital, sanitarium, sanatorium or other institution operated for the observation, care or treatment of persons afflicted with or suffering from any physical or mental illness, disease or injury or for the observation, care or treatment of convalescent or chronically ill persons, whether or not it is granted aid out of moneys appropriated by the Legislature and whether or not it is operated for private gain;
- (b) “hospital employee” means a person employed in the operation of a hospital;
- (c) “Minister” means the Minister of Labour;
- (d) “party” means the trade union that is the bargaining agent for a bargaining unit of hospital employees, on the one hand, or the employers of such employees, on the other hand, and “parties” means the two of them.

(2) Unless the contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*. <sup>Idem</sup> R.S.O. 1960, c. 202

**2.—(1)** This Act applies to any hospital employees to whom *The Labour Relations Act* applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees. <sup>Application of Act</sup>



Application  
of  
R.S.O. 1960,  
c. 202

(2) Except as modified by this Act, *The Labour Relations Act* applies to any hospital employees to whom this Act applies, to the trade unions and councils of trade unions that act or purport to act for or on behalf of any such employees, and to the employers of such employees.

Declarations  
under  
R.S.O. 1960,  
c. 202, s. 89

(3) No declaration under section 89 of *The Labour Relations Act* may be made with respect to hospital employees to whom this Act applies, and any such declaration heretofore made ceases to have effect on the day on which this Act comes into force.

When  
bargaining  
must resume  
under this  
Act

**3.** Where the Minister has informed each of the parties under clause *b* of section 16 of *The Labour Relations Act* that he does not deem it advisable to appoint a conciliation board, or where the report of a conciliation board appointed under clause *a* of that section or of a mediator appointed under section 14 of that Act has been released by the Minister to each of the parties under subsection 5 of section 29 of that Act, and in either case a collective agreement has not been made, the parties shall meet forthwith and bargain in good faith and make every reasonable effort to make a collective agreement.

Arbitration

**4.**—(1) Subject to subsection 2, if the parties have not made a collective agreement within thirty-five days after the day on which the Minister informed the parties or released the report as mentioned in section 3, the matters in dispute between them shall be decided by arbitration in accordance with this Act.

Extension  
of 35-day  
period

(2) The parties by agreement in writing may extend the period of thirty-five days mentioned in subsection 1 for one or more further periods of time, not exceeding a total of ninety days, and thereafter any further extension may be made only with the consent of the Minister.

Appoint-  
ment of  
board of  
arbitration

**5.**—(1) Within seven days after the period of thirty-five days mentioned in section 4 and any extension thereof has elapsed, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Third  
member

(2) Within ten days after the day on which the second of the members was appointed, the two members appointed by the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

Failure  
of party  
to appoint  
member

(3) Where a party fails to appoint a member of a board of arbitration within the period of seven days mentioned

in subsection 1, the Minister, upon the written request of either of the parties, shall appoint such member.

(4) Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, the Minister shall, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint a third member.

(5) As soon as one of the parties appoints a member to a board of arbitration, it shall notify the other party and the Minister of the name and address of the member appointed.

(6) When the three members have been appointed to a board of arbitration, it shall be presumed conclusively that it has been established in accordance with this Act, and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, *certiorari*, *mandamus*, prohibition, *quo warranto* or otherwise, to question the establishment of the board or the appointment of any of its members, or to review, prohibit or restrain any of its proceedings.

(7) If a person ceases to be a member of a board of arbitration by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person.

(8) If, in the opinion of the Minister, a member of a board of arbitration has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person.

(9) If the chairman of a board of arbitration is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place.

(10) No person shall be appointed a member of a board of arbitration under this Act who was a member of a conciliation board that dealt with the matters to be decided by arbitration in accordance with this Act.

(11) No person shall be appointed a member of a board of arbitration under this Act who has any pecuniary interest in the matters coming before it or who is acting or has, within

a period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Order to  
expedite  
proceedings

(12) Where a board of arbitration has been established and either of the parties complains to the Minister that the board has failed to render a decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he deems necessary in the circumstances to ensure that a decision will be rendered without delay.

Procedure

(13) A board of arbitration shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Idem

(14) If the members of a board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

Decision

(15) The decision of a majority of the members of a board of arbitration is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board.

Powers

(16) The chairman and the other members of a board of arbitration established under this Act have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*.

R.S.O. 1960,  
c. 202

Duty of  
board

6.—(1) The board of arbitration shall examine into and decide on matters that are in dispute and any other matters that appear to the board necessary to be decided in order to conclude a collective agreement between the parties, but the board shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.

Board to  
remain  
seized of  
matters

(2) The board of arbitration shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties.

R.S.O. 1960,  
c. 18,  
not to  
apply

(3) *The Arbitrations Act* does not apply to arbitrations under this Act.

Where  
agreement  
reached

7.—(1) Where, during the bargaining under this Act or during the proceedings before the board of arbitration, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement under *The Labour Relations Act*.

Where there  
is failure  
to make  
agreement

(2) If the parties fail to put in writing the terms agreed upon by them, or if either of them fails to execute the document within seven days after it was executed by the other

of them, they shall be deemed not to have made a collective agreement, and section 4 becomes applicable upon either party appointing a member of a board of arbitration and notifying the other party and the Minister of such appointment.

(3) Where during the bargaining under this Act or during the proceedings before the board of arbitration the parties have agreed upon some matters to be included in the collective agreement and they have so notified the board in writing, the board's decision shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement, and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution. <sup>Decision of arbitration board</sup>

(4) Where the parties have not notified the board in writing that, during the bargaining under this Act or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute between the parties and such other matters that appear to the board necessary to be decided to conclude a collective agreement, and shall prepare a document giving effect to its decision and shall submit the document to the parties for execution. <sup>Idem</sup>

(5) The board of arbitration shall, in its decision, fix the time within which the parties shall execute the document. <sup>Idem</sup>

(6) If the parties or either of them fail to execute the document within such time as is fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under *The Labour Relations Act*, effective from the day upon which the order was made. <sup>Failure to execute agreement R.S.O. 1960, c. 202</sup>

(7) Except where the parties agree to a longer term of operation, a collective agreement made under this Act remains in force for one year from the day the agreement was executed or ordered to be in effect under subsection 6, as the case may be. <sup>Term of agreement</sup>

(8) Notwithstanding subsection 7, the board of arbitration may provide, <sup>Idem</sup>



R.S.O. 1960,  
c. 202

(a) where notice was given under section 11 of *The Labour Relations Act*, that the agreement or any of its terms shall be retroactive to such day as the board may fix but not earlier than the day upon which such notice was given; or

(b) where notice was given under section 40 of *The Labour Relations Act*, that the agreement or any of its terms shall be retroactive to such day as the board may fix but not earlier than the day upon which the previous agreement ceased to operate.

Strikes and  
lock-outs  
prohibited

8.—(1) Notwithstanding anything in *The Labour Relations Act*, no hospital employees to whom this Act applies shall strike and no employer of such employees shall lock them out.

Saving

(2) Nothing in this section prohibits any suspension or discontinuation for cause of the operations of a hospital or the quitting of employment for cause if the suspension, discontinuation or quitting does not constitute a lock-out or strike.

Unlawful  
strike or  
lock-out

(3) Sections 55, 56, 67 and 68 of *The Labour Relations Act* apply *mutatis mutandis* to a strike of hospital employees to whom this Act applies or to a lock-out by their employers.

Timeliness  
of repre-  
sentation  
applications

9.—(1) Notwithstanding section 46 of *The Labour Relations Act*, where a trade union that has been certified as bargaining agent for a bargaining unit of employees of a hospital has given to the employer of such employees notice under section 11 of that Act and the Minister has appointed a conciliation officer or mediator, an application for a declaration that the trade union no longer represents the employees in the bargaining unit determined in the certificate may be made only in accordance with subsection 2 of section 43 of *The Labour Relations Act*.

Idem

(2) Notwithstanding section 46 of *The Labour Relations Act*, where notice has been given under section 40 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of employees of a hospital to or by the employer of such employees and the Minister has appointed a conciliation officer or mediator, an application for certification of a bargaining agent of any of the employees of the hospital in the bargaining unit defined in the collective agreement or an application for a declaration that the trade union that was a party to the collective agreement no longer represents the employees in the bargaining unit defined in the agreement shall not be made after the day upon which the agreement ceased to operate or the day upon which the Minister appointed



a conciliation officer or mediator, whichever is later, except in accordance with section 5 or subsection 2 of section 43 of *The Labour Relations Act*, as the case may be.

R.S.O. 1960,  
c. 202

**10.** Notwithstanding subsection 1 of section 59 of *The Labour Relations Act*, where notice has been given under section 11 or 40 of that Act by or to a trade union that is the bargaining agent for a bargaining unit of hospital employees to which this Act applies to or by the employer of such employees and no collective agreement is in operation, no such employer shall, except with the consent of the trade union, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, and no such trade union shall, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the trade union or the employees, until the right of the trade union to represent the employees has been terminated.

Working  
conditions  
may not be  
altered

**11.** Except where inconsistent with this Act, sections 69, 70, 71, 72 and 74 of *The Labour Relations Act*, as amended or re-enacted from time to time, apply *mutatis mutandis* under this Act as if such sections were enacted in and formed part of this Act.

Offences

**12.** The expenses incurred in the administration of this Act shall be paid out of such moneys as are appropriated therefor by the Legislature.

Expenses

**13.** The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for and regulating the engagement of experts, investigators and other assistants by boards of arbitration;
- (b) providing for and fixing the remuneration and expenses of chairmen and other members of boards of arbitration;
- (c) prescribing rules of practice and procedure;
- (d) prescribing forms and providing for their use;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**14.** Where hospital employees are on strike or locked out when this Act comes into force, the strike or lock-out shall

Current  
strikes and  
lock-outs

be terminated immediately and the employees shall return to work, and the matters in dispute shall be determined by arbitration in accordance with this Act.

Commence-  
ment

**15.** This Act comes into force on the day it receives Royal Assent.

Short title

**16.** This Act may be cited as *The Hospital Labour Disputes Arbitration Act, 1965*.

## CHAPTER 49

**An Act to amend  
The Hospital Services Commission Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 1 of *The Hospital Services Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 176, s. 1,  
cl. *a*,  
re-enacted

(a) "Commission" means the Ontario Hospital Services Commission.

**2.** Section 2 of *The Hospital Services Commission Act* is amended by adding at the end thereof "under the name 'Ontario Hospital Services Commission' ", so that the section shall read as follows: R.S.O. 1960,  
c. 176, s. 2,  
amended

2. The Commission that was constituted on behalf of Her Majesty in right of Ontario as a corporation without share capital by *The Hospital Services Commission Act, 1956* is continued under the name "Ontario Hospital Services Commission". Commission  
continued

**3.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**4.** This Act may be cited as *The Hospital Services Commission Amendment Act, 1965*. Short title



## CHAPTER 50

**An Act to amend  
The Income Tax Act, 1961-62**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clauses *d* and *e* of subsection 3 of section 3 of *The Income Tax Act, 1961-62* are repealed and the following substituted therefor:

1961-62,  
c. 60, s. 3,  
subs. 3,  
cls. *d*, *e*,  
re-enacted

(*d*) 21 per cent in respect of the 1965 taxation year; and

(*e*) 24 per cent in respect of the 1966 taxation year.

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Income Tax Amendment Act, 1965*.

Short title





## CHAPTER 51

## An Act to amend The Judicature Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, as amended by section 1 of *The Judicature Amendment Act, 1961-62*, is further amended by striking out "twenty-two" in the amendment of 1961-62 and inserting in lieu thereof "twenty-four". R.S.O. 1960,  
c. 197, s. 5,  
subs. 1,  
amended

2. Subsection 1 of section 9 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 197, s. 9,  
subs. 1,  
re-enacted

- (1) Where a judge resigns his office or is appointed to any other court or ceases to hold office by reason of his having attained the age of seventy-five years, he may at any time within eight weeks after such event give judgment in any cause, action or matter previously tried by or heard before him, as if he had continued in office. Judgment  
after  
leaving  
office

3. Section 72 of *The Judicature Act* is amended by adding at the end thereof "except that, where a whole action has been referred under section 69, the appeal from the report lies direct to the Court of Appeal", so that the section shall read as follows: R.S.O. 1960,  
c. 197, s. 72,  
amended

72. The referee shall make his findings and embody his conclusions in the form of a report, and his report shall be subject to all the incidents of a report of a master on a reference as regards filing, confirmation, appealing therefrom, motions thereupon and otherwise, including appeals to the Court of Appeal, except that, where a whole action has been referred under section 69, the appeal from the report lies direct to the Court of Appeal. Referee's  
report

4. Subsections 9 and 10 of section 105 of *The Judicature Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 197, s. 105,  
subss. 9, 10,  
re-enacted

Deputy or  
deputies

- (9) The Lieutenant Governor in Council may appoint one or two persons to act as the deputy or the deputies, as the case may be, of the Official Guardian during his absence or illness, and while so acting each such deputy has all the powers and may perform any of the duties of the Official Guardian.

When  
Attorney  
General  
to act

- (10) If the office of Official Guardian becomes vacant, the Attorney General is *ex officio* Official Guardian until another appointment is made.

R.S.O. 1960,  
c. 197, s. 111,  
subs. 1,  
amended

- 5.—(1) Subsection 1 of section 111 of *The Judicature Act*, as amended by section 3 of *The Judicature Amendment Act, 1961-62*, is further amended by striking out “and” at the end of clause *d*, by adding “and” at the end of clause *e* and by adding thereto the following clause:

- (f) such other barristers or solicitors, not exceeding three at any one time, as may be appointed by the Chief Justice of Ontario.

R.S.O. 1960,  
c. 197, s. 111,  
amended

- (2) The said section 111 is amended by adding thereto the following subsection:

Idem

- (4a) Each of the members of the Rules Committee appointed under clause *f* of subsection 1 shall hold office for a period of one year and is eligible for reappointment.

R.S.O. 1960,  
c. 197, s. 111,  
subs. 5,  
amended

- (3) Subsection 5 of the said section 111 is amended by striking out “or *e*” in the second line and inserting in lieu thereof “*e* or *f*”, so that the subsection shall read as follows:

Vacancy  
in office

- (5) In case of the resignation, death or inability to act of any member appointed under clause *a*, *b*, *e* or *f* of subsection 1, the Chief Justice of Ontario, Attorney General or Benchers of the Law Society of Upper Canada, as the case may be, may appoint another member similarly qualified to hold office for the unexpired portion of the term of the member who has resigned or died or is unable to act.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Judicature Amendment Act, 1965*.

## CHAPTER 52

## An Act to amend The Junior Farmer Establishment Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 12 of *The Junior Farmer Establishment Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 198, s. 12, subs. 1, re-enacted

- (1) Before making a loan under the Act, the Corporation shall obtain a report as to the value of the security offered by the applicant from a valuator appointed by the Lieutenant Governor in Council. Valuator's report

2. Section 14 of *The Junior Farmer Establishment Act*, as re-enacted by section 7 of *The Junior Farmer Establishment Amendment Act, 1962-63* and amended by section 1 of *The Junior Farmer Establishment Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 198, s. 14 (1962-63, c. 66, s. 7), amended

- (5) Where any part of the lands offered as security for a loan is subject to an interest for the life of a person other than the borrower and, in the opinion of the Corporation, such life interest will not affect the farming operation of the lands by the borrower, the person holding the life interest may be joined in the mortgage as a mortgagor in respect of the life interest. Holder of life interest may be mortgagor

3. Subsection 2 of section 16 of *The Junior Farmer Establishment Act*, as re-enacted by subsection 2 of section 8 of *The Junior Farmer Establishment Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960, c. 198, s. 16, subs. 2 (1962-63, c. 66, s. 8, subs. 2), re-enacted

- (2) Instalments of principal and interest shall be equal and shall be payable annually not later than a date determined by the Corporation, but a payment of interest only on the moneys advanced may be required on a date before the first date on which principal and interest are payable. Annual instalments of principal and interest

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Junior Farmer Establishment Amendment Act, 1965*.



CHAPTER 53

An Act to amend The Justices of the Peace Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Justices of the Peace Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 200,  
amended
12. *The Labour Relations Act* does not apply to full-time justices of the peace.

R.S.O. 1960,  
c. 202,  
does not  
apply
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The Justices of the Peace Amendment Act, 1965*.

Short title



CHAPTER 54

An Act respecting Lakehead University

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Governors of Lakehead University;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "President" means the President of the University;
- (d) "property" includes real and personal property;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (f) "Senate" means the Senate of the University;
- (g) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
- (h) "University" means Lakehead University.

2. The Lakehead College of Arts, Science and Technology, hereafter to be known as "Lakehead University", the Board and faculties are hereby continued and, subject to the provisions of this Act, have, hold, possess and enjoy respectively all the rights, powers and privileges that they had at the time of the passing of this Act or that are conferred upon them by this Act.

College  
created a  
University

Objects and  
purposes of  
University

**3.** The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, social, moral and physical development of its members and the betterment of society.

Faculties,  
schools, etc.

**4.** The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

Degrees

**5.** The University may grant in all branches of learning any and all university degrees, diplomas and certificates.

Board  
body  
corporate

**6.** The Board of Governors of The Lakehead College of Arts, Science and Technology is hereby continued as a body corporate by the name "Board of Governors of Lakehead University".

Composition  
of Board

**7.** The members of The Board of Governors of The Lakehead College of Arts, Science and Technology cease to hold office on the day this Act comes into force, and thereafter the Board shall consist of not more than thirty members as follows:

1. The President.
2. The following twenty-four persons:

John Henry Charnock, Esq., Fort William,  
John Edwin Johnston Fahlgren, Esq., Cochenour,  
Morson Scarth Fotheringham, Esq., Atikokan,  
Kenneth Andrew Miners, Esq., Fort William,  
David Irving Nattress, Esq., Port Arthur,  
Ernest Gilmour Pallister, Esq., Port Arthur,  
Robert James Prettie, Esq., Port Arthur,  
Andrew Lewis Kenneth Switzer, Esq., Longlac,

Murray William Babe, Esq., Fort William,  
John Murray Fleming, Esq., Port Arthur,  
Ernest Lorne Goodall, Esq., Port Arthur,  
Thomas Sidney Jones, Esq., Dryden,  
Bernard Shaffer, Esq., Fort William,  
Burnley Wordlow Stevens, Esq., Fort William,  
Frederick Leslie Stevens, Esq., Port Arthur,  
William Gordon Tamblyn, Esq., Fort William,

Melville William Bartley, Esq., Port Arthur,  
Donald Charles Clark, Esq., Port Arthur,  
Robert John Flatt, Esq., Fort William,  
Thomas Joseph Kane, Esq., Fort William,

James Robert Machan, Esq., Fort William,  
 John Norman Paterson, Esq., Fort William,  
 Gavin Henry Young, Esq., Port Arthur,  
 Roy Stewart Young, Esq., Fort William.

3. Three persons named by the Lieutenant Governor in Council.
4. One member appointed by the council of The Corporation of the City of Fort William for a term not to exceed three years.
5. One member appointed by the council of The Corporation of the City of Port Arthur for a term not to exceed three years.

**8.**—(1) Of the persons named in paragraph 2 of section 7, the first eight persons shall hold office for a period of three years, the next eight shall hold office for a period of two years and the remaining eight shall hold office for a period of one year, and, as the term of any such person expires, the vacancy shall be filled by election by the Board, and such election shall be for such a term as the Board may determine by by-law, and so on from time to time. Terms of office

(2) Of the persons first named by the Lieutenant Governor in Council, the first person named shall hold office for a period of three years, the second person named shall hold office for a period of two years and the third person named shall hold office for a period of one year, and, as the term of any such person expires, the vacancy shall be filled by the Lieutenant Governor in Council, and such appointment shall be for a period of three years, and so on from time to time. Idem

(3) Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant. Filling of vacancies

**9.** All members of the Board are eligible for re-appointment or re-election. Eligibility for re-appointment, etc.

**10.** The Board shall elect a chairman from among its members for such period as may be determined by the Board. Chairman



Declaration  
of vacancies

**11.** After thirty days notice to any member of the Board, the Board may, by resolution passed at a meeting of the Board by at least two-thirds of the total members of the Board, declare vacant the seat of such member.

Management  
of Uni-  
versity  
vested in  
Board

**12.** Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the President and the vice-presidents, if any;
- (b) to appoint, promote and remove the heads of all faculties and schools, the senior administrative officers of the University, the teaching staff of the University, and all such other officers and employees as the Board deems necessary or expedient for the purposes of the University, but no person shall be appointed, promoted or removed as head of a faculty or school, as a senior administrative officer or as a member of the teaching staff of the University, except on the recommendation of the President;
- (c) to fix the number, duties, salaries and other emoluments of the officers, agents and employees of the University;
- (d) to appoint an executive committee and such other committees as it deems advisable, and to delegate to any such committee any of its powers;
- (e) to establish such advisory bodies as it sees fit;
- (f) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (g) to make, draw and endorse promissory notes or bills of exchange;
- (h) to hypothecate, pledge, charge or mortgage all or any part of the property of the University to secure any money so borrowed or for the fulfilment of the

obligations

obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;

- (i) to issue bonds, debentures and obligations on such terms and conditions as it may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as it may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;
- (j) to provide for the retirement and superannuation of persons mentioned in clauses *a* and *b*;
- (k) to provide for payments by way of gratuities, retiring allowances, superannuation allowances, pensions, annuities, life insurance or health insurance, or any combination thereof payable to, in respect of, or for the benefit of the persons mentioned in clauses *a* and *b* for any class or classes thereof out of a fund or funds comprising contributions made by such persons or any class or classes thereof, or by the Board, or both, or otherwise;
- (l) to expend such sums as may be required for the purposes of funds which are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance for the benefit of the persons mentioned in clauses *a* and *b*;
- (m) to make by-laws respecting the meetings of the Board, including the determination of a quorum necessary for the transaction of business, fixing fees to be paid by students for instruction, examinations, certificates, diplomas and any ancillary activities.

**13.** There shall be a Senate of the University composed of, <sup>Senate</sup>

- (a) the President, the Academic Vice-President, if any, the Librarian and the Registrar of the University;
- (b) the deans of all faculties;
- (c) the heads or chairmen of teaching departments; and
- (d) such other members of the teaching staff elected or appointed in such manner as the Senate may determine.

Powers of  
Senate

**14.** The Senate is responsible for the educational policy of the University, and, with the approval of the Board in so far as the expenditure of funds and the establishment of facilities are concerned, may create such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

- (a) to control, regulate and determine the educational policy of the University;
- (b) to determine the courses of study and standards of admissions to the University and continued membership therein, and the qualifications for degrees and diplomas;
- (c) to conduct examinations and appoint examiners;
- (d) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;
- (e) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university;
- (f) to confer honorary degrees in any department of learning;
- (g) to create faculty councils or committees and committees generally to exercise its powers.

## President

**15.—(1)** There shall be a President of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-  
presidents

(2) The Board may appoint one or more vice-presidents who shall have such powers and duties as may be conferred on him or them by the Board on the recommendation of the President, and one vice-president shall act as President when the President is absent or if there is a vacancy in the office of President and, while so acting, he has all the powers and duties of the President.

President  
to be chief  
executive  
officer, etc.

(3) The President is Vice-Chancellor and chief executive officer of the University and chairman of the Senate, and, when the Chancellor is absent or if there is a vacancy in the office

of the Chancellor, he shall perform the functions of the Chancellor, and, subject to the will of the Board, the President has supervision over and direction of the academic work and general administration of the University and the teaching staff, officers and employees and students thereof, and has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

**16.**—(1) There shall be a Chancellor who shall be the titular <sup>Chancellor</sup> head of the University, who shall confer all degrees, diplomas and certificates and who shall hold office for three years and until his successor is elected.

(2) The Chancellor shall be elected by an electoral board <sup>Election by electoral board</sup> consisting of the President, twelve members appointed by the Board and twelve members appointed by the Senate.

(3) The President shall act as chairman of the electoral <sup>Chairman of electoral board</sup> board.

(4) Should a vacancy occur in the office of Chancellor before <sup>Vacancy in office of Chancellor</sup> the term of office has expired, the President shall convene an electoral board, and the new Chancellor shall hold office for a three-year term.

(5) The Chancellor is eligible for re-election. <sup>Eligibility for re-election</sup>

**17.** No religious test shall be required of any professor, lecturer, teacher, officer, employee or student of the University, <sup>Religious tests not required</sup> nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them

**18.** *The Teachers' Superannuation Act* applies to teachers <sup>Superannuation</sup> who are on the teaching staff of the University on the day <sup>R.S.O. 1960, c. 392</sup> this Act comes into force in the same manner as if the University were specified by name in subclause v of clause d of section 1 of that Act.

**19.** The Board has, in addition to the powers, rights and <sup>Property</sup> privileges mentioned in section 26 of *The Interpretation Act*, <sup>R.S.O. 1960, c. 191</sup> power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.



Trust  
property  
vested in  
Board

**20.** All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of The Lakehead College of Arts, Science and Technology or of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, is vested in the Board.

Tax  
exemption

**21.** The property vested in the Board and any lands and premises leased to and occupied by the Board or the University are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University.

Property  
of Uni-  
versity not  
liable to be  
expropriated

**22.** Real property vested in the Board is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

Application  
of statute  
of limita-  
tions

**23.** All property vested in the Board shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application  
of property

**24.** The property and the income, revenues, issues and profits of all property of the Board shall be applied solely to achieving the objects and purposes of the University.

Investment  
of funds

**25.** The funds of the Board not immediately required for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Powers of  
affiliation

**26.** The Board has power to affiliate the University with, or take into affiliation or federation with the University, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board may determine.

Audit

**27.** The accounts of the Board shall be audited at least once a year.

Annual  
report

**28.** Upon the request of the Lieutenant Governor in Council, the Board shall submit to him its annual report and shall submit such other reports as he may request from time to time.



**29.** The following are repealed:

Repeal

1. *The Lakehead College of Arts, Science and Technology* <sup>1956, c. 36</sup>  
*Act, 1956.*

2. *The Lakehead College of Arts, Science and Technology* <sup>1961-62,</sup>  
*Amendment Act, 1961-62.* <sup>c. 69</sup>

**30.** This Act comes into force on a day to be named by the <sup>Commence-</sup>  
Lieutenant Governor by his proclamation. <sup>ment</sup>

**31.** This Act may be cited as *The Lakehead University Act*, <sup>Short title</sup>  
1965.



CHAPTER 55

An Act to amend The Land Titles Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1 and 2 of section 35 of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 204, s. 35,  
subs. 1,  
re-enacted;  
subs. 2,  
repealed
- (1) The proper master of titles shall register a Crown grant received by him under section 37 of *The Public Lands Act* as provided by that section and this Act.

Crown  
grant  
R.S.O. 1960,  
c. 324
2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment
3. This Act may be cited as *The Land Titles Amendment Act, 1965*.

Short title



## CHAPTER 56

**An Act to amend The Legislative Assembly Act**

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 60 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 60, subs. 1, re-enacted

(1) An indemnity at the rate of \$8,000 per annum shall be paid to every member of the Assembly. Members' indemnities

(1a) An allowance for expenses at the rate of \$3,000 per annum shall be paid to every member of the Assembly representing an electoral district within The Municipality of Metropolitan Toronto and at the rate of \$4,000 per annum for every member representing any other electoral district. Members' allowances

(2) Subsection 4 of the said section 60, as re-enacted by section 1 of *The Legislative Assembly Amendment Act, 1964*, is amended by striking out "\$300" in the fourth line and inserting in lieu thereof "\$450" and by striking out "\$150" in the sixth line and inserting in lieu thereof "\$250", so that the subsection shall read as follows: R.S.O. 1960, c. 208, s. 60, subs. 4 (1964, c. 55, s. 1), amended

(4) Notwithstanding subsection 3, upon the request of a member, there shall be paid, out of the moneys that have accrued to him at the time the request is made, any part of his indemnity, not exceeding \$450 per month, and any part of his allowance for expenses, not exceeding \$250 per month. advances

**2.** Section 64 of *The Legislative Assembly Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 208, s. 64, re-enacted

64. There shall be allowed to each member of the Assembly in respect of fifteen trips per annum from his place of residence to the seat of government at Members' mileage allowance



Toronto 10 cents for every mile of the distance between his place of residence to Toronto and return, which distance shall be determined and certified by the Speaker.

Commence-  
ment

**3.** This Act shall be deemed to have come into force on the 1st day of April, 1964.

Short title

**4.** This Act may be cited as *The Legislative Assembly Amendment Act, 1965*.

## CHAPTER 57

**An Act to amend  
The Limited Partnerships Act**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 7 of *The Limited Partnerships Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 215, s. 7,  
re-enacted

**7.** The provisions of *The Partnerships Registration Act* and the regulations thereunder, applying to the filing and recording of declarations under that Act, apply to certificates under this Act. Filing and  
recording  
R.S.O. 1960,  
c. 289

**2.** This Act comes into force on the 1st day of September, 1965. Commence-  
ment

**3.** This Act may be cited as *The Limited Partnerships Amendment Act, 1965*. Short title



## CHAPTER 58

## An Act to amend The Liquor Control Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 1 of section 1 of *The Liquor Control Act* R.S.O. 1960, c. 217, s. 1, subs. 1, amended is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

- (a) “alcohol” means a product of fermentation or distillation of grains, fruits or other agricultural products rectified once or more than once whatever may be the origin thereof, and includes synthetic ethyl alcohol.

(2) Clause *j* of subsection 1 of the said section 1 is amended R.S.O. 1960, c. 217, s. 1, subs. 1, cl. j, amended by striking out “any preparation, combination or mixture capable of human consumption that is alcoholic, spirituous, vinous or fermented” in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof “any drink or drinkable liquid containing alcohol”, so that the clause shall read as follows:

- (j) “liquor” means any alcohol, any alcoholic, spirituous, vinous, fermented malt or other liquid, any combination of liquids or mixed liquids a part of which is alcoholic, spirituous, vinous or fermented, any drink or drinkable liquid containing alcohol, and includes wine, Ontario wine, and beer.

(3) Subclause *i* of clause *l* of subsection 1 of the said section 1 is amended by striking out “or” in the first line and by inserting after “cherries” in the first line “apples or other fruits”, so that the subclause shall read as follows: R.S.O. 1960, c. 217, s. 1, subs. 1, cl. l, subcl. i, amended

- (i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice

thereof,

thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine, or

R.S.O. 1960,  
c. 217, s. 1,  
subs. 1,  
amended

(4) Subsection 1 of the said section 1 is further amended by adding thereto the following clause:

(ta) "spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances in solution.

R.S.O. 1960,  
c. 217, s. 8,  
subs. 1,  
cl. f,  
amended

**2.** Clause *f* of subsection 1 of section 8 of *The Liquor Control Act* is amended by adding at the end thereof "and to erect or cause to be erected any building required for the purposes of this Act and the regulations", so that the clause shall read as follows:

Leasing  
premises,  
etc.

(f) to lease any land or building required for the purposes of this Act and the regulations, and to erect or cause to be erected any building required for the purposes of this Act and the regulations.

R.S.O. 1960,  
c. 217, s. 9,  
subs. 2,  
cl. j,  
repealed

**3.**—(1) Clause *j* of subsection 2 of section 9 of *The Liquor Control Act* is repealed.

R.S.O. 1960,  
c. 217, s. 9,  
subs. 2,  
cl. r,  
amended

(2) Clause *r* of subsection 2 of the said section 9 is amended by striking out "vendors and brewers shall deliver" in the second and third lines and by inserting after "liquor" in the third line "shall be delivered", so that the clause shall read as follows:

delivery and  
conveyance  
of liquor

(r) supervising the hours and days upon which, and the manner, methods and means by which, liquor shall be delivered under this Act or the regulations and the hours and days during which, and the manner, methods and means by which, liquor, under this Act or the regulations, may be lawfully conveyed and carried.

R.S.O. 1960,  
c. 217, s. 9,  
subs. 2,  
cl. t,  
amended

(3) Clause *t* of subsection 2 of the said section 9 is amended by striking out "or consumed" in the second and third lines, so that the clause shall read as follows:

conduct,  
etc., of  
premises

(t) governing the conduct, management and equipment of any premises upon which liquor may be sold under this Act or the regulations.

R.S.O. 1960,  
c. 217, s. 11,  
cl. b,  
amended

**4.** Clause *b* of section 11 of *The Liquor Control Act* is amended by striking out "vendors" in the first line and inserting in lieu thereof "managers".



- 5.** Section 12 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 12, repealed
- 6.** Clause *a* of subsection 1 of section 14 of *The Liquor Control Act* is amended by striking out "vendors" in the second line and inserting in lieu thereof "managers". R.S.O. 1960, c. 217, s. 14, subs. 1, cl. a, amended
- 7.** Sections 15 and 16 of *The Liquor Control Act* are repealed. R.S.O. 1960, c. 217, ss. 15, 16, repealed
- 8.** Section 19 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 19, repealed
- 9.** Section 20 of *The Liquor Control Act* is amended by striking out "and submit them to the Provincial Auditor for his certification" in the fifth and sixth lines. R.S.O. 1960, c. 217, s. 20, amended
- 10.** Section 21 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 217, s. 21, re-enacted
21. The accounts of the Board shall be audited by the Provincial Auditor, and his report, containing such particulars as the Lieutenant Governor in Council requires, shall be made to the Lieutenant Governor in Council on or before the 1st day of January next following the close of the fiscal year for which the report is made. <sup>Audit</sup>
- 11.** Sections 22 and 23 of *The Liquor Control Act* are repealed. R.S.O. 1960, c. 217, ss. 22, 23, repealed
- 12.** Section 25 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 25, repealed
- 13.**—(1) Subsection 1 of section 26 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 26, subs. 1, repealed
- (2) Subsection 2 of the said section 26 is amended by adding at the end thereof "but the Board may state a case on a point of law only as provided from time to time in the *Criminal Code* (Canada)." R.S.O. 1960, c. 217, s. 26, subs. 2, amended
- (3) Subsection 3 of the said section 26 is amended by striking out "with the consent of the Attorney General" in the first and second lines and by striking out "and no such proceedings shall be taken against or in the names of the members of the Board, and no such proceedings shall abate by reason of any change in the membership of the Board by death, resignation or otherwise, but such proceedings may be continued as though such changes had not occurred" in the sixth to the eleventh lines. R.S.O. 1960, c. 217, s. 26, subs. 3, amended
- 14.**—(1) Subsection 2 of section 27 of *The Liquor Control Act* is repealed. R.S.O. 1960, c. 217, s. 27, subs. 2, repealed

R.S.O. 1960,  
c. 217, s. 27,  
subs. 3,  
amended

(2) Subsection 3 of the said section 27 is amended by striking out "and a duplicate thereof kept as aforesaid" in the second and third lines.

R.S.O. 1960,  
c. 217, s. 31,  
amended

**15.** Section 29 of *The Liquor Control Act* is amended by striking out "in its discretion, and it is not obliged to give any reason or explanation for such refusal, suspension or cancellation" in the fourth, fifth and sixth lines and inserting in lieu thereof "but only after the interested person has been given an opportunity of being heard".

R.S.O. 1960,  
c. 217, s. 32,  
amended

**16.** Section 31 of *The Liquor Control Act* is amended by striking out "vender" in the third line and inserting in lieu thereof "manager".

R.S.O. 1960,  
c. 217, s. 32,  
re-enacted

**17.** Section 32 of *The Liquor Control Act* is repealed and the following substituted therefor:

Sale of  
liquor

32.—(1) A manager may sell to any person such liquor as that person is entitled to purchase in conformity with this Act and the regulations.

Delivery  
of liquor  
sold

(2) Except as provided by the regulations, no liquor sold under this section shall be delivered until,

(a) the purchaser has given an order as prescribed by the regulations setting out the kind and quantity of liquor ordered; and

(b) the purchaser has paid for the liquor.

R.S.O. 1960,  
c. 217, s. 34,  
amended

**18.** Section 34 of *The Liquor Control Act* is amended by striking out "employed in a Government store" in the first and second lines and by inserting after "premises" in the third line "of the Board or", so that the section shall read as follows:

Con-  
sumption on  
Board's  
premises

34. No officer, clerk or servant of the Board shall allow any liquor to be consumed on the premises of the Board or of a Government store nor shall any person consume any liquor on any such premises.

R.S.O. 1960,  
c. 217, s. 35,  
repealed

**19.** Section 35 of *The Liquor Control Act* is repealed.

R.S.O. 1960,  
c. 217, s. 36,  
subs. 1,  
re-enacted

**20.** Subsection 1 of section 36 of *The Liquor Control Act* is repealed and the following substituted therefor:

Delivery  
to and from  
Government  
store

(1) It is lawful to carry or convey liquor to any Government store and to and from any warehouse or depot established by the Board for the purpose of this

Act and the regulations, and, when permitted so to do by this Act and the regulations and in accordance herewith, it is lawful for any common carrier, or other person, to carry or convey liquor from a Government store to any place in Ontario to which it may be lawfully delivered under this Act and the regulations, but no such common carrier or other person shall open or break, or allow to be opened or broken, any package or vessel containing liquor, or drink or use, or allow to be drunk or used, any liquor therefrom while being so carried or conveyed.

**21.** Section 37 of *The Liquor Control Act*, as amended by R.S.O. 1960, c. 217, s. 37. section 2 of *The Liquor Control Amendment Act, 1961-62*, is re-enacted repealed and the following substituted therefor:

- 37.—(1) The Board may, subject to the regulations, Permits issue permits for the purchase of liquor.
- (2) Upon application in the prescribed form accompanied Classes of permits by payment of the prescribed fee and upon the Board being satisfied that the applicant is entitled to a permit, it may issue,
- (a) a permit to a druggist, physician, dentist or veterinary or a person engaged in any mechanical or manufacturing business, or in scientific pursuits, requiring liquor for use therein, entitling him to purchase liquor for the purpose named in the permit and in accordance with the terms of the permit;
- (b) a permit, when authorized by the regulations, entitling the holder to purchase liquor for the purpose named in the permit and in accordance with the terms of the permit.
- (3) Any person whose permit has been lost or destroyed Lost or destroyed permits may apply to the Board, and, upon the Board being satisfied as to the loss or destruction, it may issue a duplicate permit.

**22.** Section 38 of *The Liquor Control Act* is repealed and R.S.O. 1960, c. 217, s. 38, re-enacted the following substituted therefor:

38. Unless sooner cancelled, every permit expires at Expiry of permits midnight on the 31st day of March of the year in respect of which it is issued, except in the case of a permit that, according to its terms, sooner expires.

R.S.O. 1960,  
c. 217, s. 39,  
amended

**23.** Section 39 of *The Liquor Control Act* is amended by striking out "nor shall the holder of any permit allow any other person to use it" in the second and third lines.

R.S.O. 1960,  
c. 217,  
ss. 40, 41,  
repealed

**24.** Sections 40 and 41 of *The Liquor Control Act* are repealed.

R.S.O. 1960,  
c. 217, s. 42,  
subs. 2,  
re-enacted

**25.** Subsection 2 of section 42 of *The Liquor Control Act* is repealed and the following substituted therefor:

Disquali-  
fication of  
premises on  
conviction

- (2) If the occupant of a residence or any member of the family of such occupant is convicted of keeping a disorderly house or of an offence against any of the provisions of this Act or the regulations committed in or in respect of such residence, or in respect of any liquor kept therein or removed therefrom, the justice making the conviction may, in and by the conviction, declare such residence to be a public place for the purposes of this Act and the regulations, and thereupon such residence ceases to be a residence within the meaning of this Act and the regulations for a period of one year after the date of the conviction, but the Board may, when satisfied of a *bona fide* change of ownership or occupation of such residence or when in the opinion of a justice it is desirable to do so, declare such residence to be a residence within the meaning of this Act and the regulations and may grant a certificate to such effect to the new owner or occupant of such residence, and such residence shall, from the date of the granting of such certificate, be a residence and cease to be a public place within the meaning of this Act and the regulations.

R.S.O. 1960,  
c. 217,  
ss. 43, 44,  
repealed

**26.** Sections 43 and 44 of *The Liquor Control Act* are repealed.

R.S.O. 1960,  
c. 217,  
ss. 46, 47,  
re-enacted

**27.** Sections 46 and 47 of *The Liquor Control Act* are repealed and the following substituted therefor:

Liquor from  
outside  
Ontario

46. A person who is entitled to possess or consume liquor may lawfully possess liquor that was purchased outside Ontario,
  - (a) if the bottles containing the liquor were purchased outside Canada and have been stamped or marked by a Canadian customs officer; or
  - (b) if the liquor was purchased from a liquor board, commission or similar body in any other part of Canada.



47.—(1) The Board, with the approval of the Minister <sup>Brewers' licences</sup> and subject to this Act and the regulations, may issue a licence to any brewer duly authorized under any Act of the Parliament of Canada authorizing the brewer,

(a) to keep for sale and sell beer to the Board;

(b) to deliver beer on the order of the Board or of a manager to any person named in the order at the address therein stated;

(c) to keep for sale and sell beer under the supervision and control of the Board and in accordance with this Act and the regulations.

(2) No brewer shall keep for sale, sell or deliver beer <sup>Limitation as to sale</sup> except as provided in this Act and the regulations.

(3) Every brewer shall make to the Board in every <sup>Returns</sup> month a return in the form that the Board provides showing the gross amount of the sales of beer made by him, but the Board may at any time by notice in writing to a brewer require such a return of sales by the brewer for any period mentioned in the notice, and such return shall be made within three days of the receipt by the brewer of the notice.

**28.** Section 48 of *The Liquor Control Act* is amended by <sup>R.S.O. 1960, c. 217, s. 48, amended</sup> striking out “\$20” in the fourth line and inserting in lieu thereof “\$100”.

**29.** Section 49 of *The Liquor Control Act* is amended by <sup>R.S.O. 1960, c. 217, s. 49, amended</sup> striking out “or brewer’s agent” in the first line and by striking out “\$20” in the fifth line and inserting in lieu thereof “\$100”.

**30.—**(1) Subsection 1 of section 50 of *The Liquor Control Act* is amended by striking out “or brewer’s agent” in the <sup>R.S.O. 1960, c. 217, s. 50, subs. 1, amended</sup> second line.

(2) Subsection 2 of the said section 50 is amended by striking <sup>R.S.O. 1960, c. 217, s. 50, subs. 2, amended</sup> out “or brewer’s agent” in the first line and by striking out “\$100” in the fourth line and inserting in lieu thereof “\$500”.

**31.** Section 52 of *The Liquor Control Act* is amended by <sup>R.S.O. 1960, c. 217, s. 52, amended</sup> striking out “\$100” in the ninth line and inserting in lieu thereof “\$500”.

**32.** *The Liquor Control Act* is amended by adding thereto <sup>R.S.O. 1960, c. 217, amended</sup> the following section:



Ontario  
wine  
producer's  
licence

53a.—(1) The Board, with the approval of the Minister and subject to this Act and the regulations, may issue a licence to any producer of Ontario wine duly authorized under any Act of the Parliament of Canada, authorizing the producer of Ontario wine,

(a) to keep for sale and sell Ontario wine to the Board;

(b) to deliver Ontario wine on the order of the Board or of a manager to any person named in the order at the address therein stated; and

(c) to keep for sale and sell Ontario wine under the supervision and control of the Board and in accordance with this Act and the regulations.

Prohibited  
sales

(2) The producer of Ontario wine shall not sell such wine otherwise than is permitted by this Act or the regulations and shall not allow any wine so sold to be consumed upon the premises of such producer.

R.S.O. 1960,  
c. 217, s. 55,  
re-enacted

**33.** Section 55 of *The Liquor Control Act* is repealed and the following substituted therefor:

Cancellation,  
etc., of  
licences

55. The Board may, for any cause that it deems sufficient after a hearing, cancel or suspend any licence issued to a brewer, to a producer of Ontario wine or to a distiller, and all right of the brewer, producer of Ontario wine or distiller to sell or deliver liquor thereunder is cancelled or suspended, as the case may be.

Appeal upon  
cancellation

55a. Any holder of a licence or permit that is cancelled under section 29 or 55 may appeal from the order of the Board cancelling the licence or permit, and section 140 applies *mutatis mutandis* to any such appeal.

R.S.O. 1960,  
c. 217, s. 56,  
amended

**34.** Section 56 of *The Liquor Control Act* is amended by striking out "vendor" in the second line and inserting in lieu thereof "manager" and by striking out "special" in the second line.

R.S.O. 1960,  
c. 217, s. 58,  
subs. 1,  
re-enacted

**35.** Subsection 1 of section 58 of *The Liquor Control Act* is repealed and the following substituted therefor:

Physicians

(1) Any physician, who is lawfully and regularly engaged in the practice of his profession and who deems liquor necessary for the health of a patient of his

whom

whom he has seen or visited professionally, may give to such patient a prescription therefor in the prescribed form, signed by the physician and addressed to a manager, or the physician may administer the liquor to the patient, for which purpose the physician shall administer only such liquor as was purchased by him under a permit pursuant to this Act or the regulations, and he may give to any such patient a prescription for liquor, and supply or sell, subject to the regulations, such liquor to his patient, and may charge for the liquor so administered or sold, but no prescription shall be given nor shall liquor be administered or sold by a physician except to a *bona fide* patient in cases of actual need and when in the judgment of the physician the use of liquor as medicine in the quantity prescribed, administered or sold is necessary.

**36.** Subsection 1 of section 59 of *The Liquor Control Act* <sup>R.S.O. 1960, c. 217, s. 59, subs. 1, amended</sup> is amended by striking out "vendor" in the first line and inserting in lieu thereof "manager".

**37.** Section 60 of *The Liquor Control Act* is amended by <sup>R.S.O. 1960, c. 217, s. 60, amended</sup> striking out "special" in the fifth line and inserting in lieu thereof "a".

**38.** Section 61 of *The Liquor Control Act* is amended by <sup>R.S.O. 1960, c. 217, s. 61, amended</sup> striking out "special" in the fifth line and inserting in lieu thereof "a".

**39.** Section 62 of *The Liquor Control Act* is amended by <sup>R.S.O. 1960, c. 217, s. 62, amended</sup> striking out "special" in the fourth line and in the sixth line.

**40.** Subsection 1 of section 63 of *The Liquor Control Act* <sup>R.S.O. 1960, c. 217, s. 63, subs. 1, amended</sup> is amended by striking out "other person" in the second line and inserting in lieu thereof "producer of Ontario wine".

**41.**—(1) Subsection 1 of section 66 of *The Liquor Control Act* <sup>R.S.O. 1960, c. 217, s. 66, subs. 1, amended</sup> is amended by striking out "and liable to the penalties prescribed by subsection 4 of section 106" in the fifth, sixth and seventh lines.

(2) The said section 66 is amended by adding thereto the <sup>R.S.O. 1960, c. 217, s. 66, amended</sup> following subsection:

- (3) Except as otherwise expressly provided in this Act or the regulations, no person shall have in his possession, sell or keep for sale any preparation, combination or mixture capable of human consumption that contains alcohol. <sup>Mixtures containing alcohol</sup>

R.S.O. 1960,  
c. 217, s. 67,  
subss. 3-5,  
repealed

**42.** Subsections 3, 4 and 5 of section 67 of *The Liquor Control Act* are repealed.

R.S.O. 1960,  
c. 217, s. 68,  
subs. 2,  
amended

**43.** Subsection 2 of section 68 of *The Liquor Control Act* is amended by striking out "\$10" in the second line and inserting in lieu thereof "\$50" and by striking out "\$40" in the third line and inserting in lieu thereof "\$200".

R.S.O. 1960,  
c. 217, s. 69,  
subs. 1,  
amended

**44.**—(1) Subsection 1 of section 69 of *The Liquor Control Act* is amended by striking out "the name of the brewer and" in the fourth and fifth lines, by striking out "other" in the fifth line and by striking out "or otherwise" in the fifth and sixth lines.

R.S.O. 1960,  
c. 217, s. 69,  
subs. 2,  
amended

(2) Subsection 2 of the said section 69 is amended by striking out "\$2,000" in the third line and inserting in lieu thereof "\$10,000".

R.S.O. 1960,  
c. 217, s. 70,  
subs. 2,  
amended

**45.** Subsection 2 of section 70 of *The Liquor Control Act* is amended by striking out "a Government vendor" in the third line and inserting in lieu thereof "the Board".

R.S.O. 1960,  
c. 217, s. 72,  
subss. 2-4,  
repealed

**46.** Subsections 2, 3 and 4 of section 72 of *The Liquor Control Act* are repealed.

R.S.O. 1960,  
c. 217, s. 73,  
repealed

**47.** Section 73 of *The Liquor Control Act* is repealed.

R.S.O. 1960,  
c. 217, s. 77,  
repealed

**48.** Section 77 of *The Liquor Control Act* is repealed.

R.S.O. 1960,  
c. 217, s. 78,  
amended

**49.** Section 78 of *The Liquor Control Act* is amended by striking out "the authority of a permit or prescription issued under" in the fourth line.

R.S.O. 1960,  
c. 217, s. 79,  
re-enacted

**50.** Section 79 of *The Liquor Control Act* is repealed and the following substituted therefor:

Liquor  
to be  
sealed

79. Except where otherwise provided, no liquor shall be kept or had by any person unless the package in which the liquor was purchased was sealed with the official seal prescribed by the regulations.

R.S.O. 1960,  
c. 217, s. 82,  
subs. 3,  
amended

**51.** Subsection 3 of section 82 of *The Liquor Control Act* is amended by inserting after "shall" in the first line "have" and by striking out "apply for" in the second line, so that the subsection shall read as follows:

Minor  
prohibited  
from  
purchasing  
liquor

(3) No person under the age of twenty-one years shall have, consume, attempt to purchase, purchase or otherwise obtain liquor.

**52.** Section 83 of *The Liquor Control Act* is repealed.

R.S.O. 1960,  
c. 217, s. 83,  
repealed

**53.** Section 84 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 217, s. 84,  
re-enacted

- 84.—(1) Notwithstanding anything in this Act or the regulations, the Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit any person from purchasing, having, giving or consuming any liquor, and any such person who contravenes such order of interdiction is guilty of an offence. Orders of interdiction as to purchase, etc., of liquor
- (2) Notwithstanding anything in this Act or the regulations, where an order of interdiction is made against a person under subsection 1, all liquor and original liquor containers in his possession or under seizure at the date of the order of interdiction shall be delivered forthwith to the Board, which shall pay to him the value of any such liquor purchased in accordance with this Act. Idem
- (3) The Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prohibit a manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person from supplying either directly or indirectly liquor to any person against whom an order of interdiction has been issued pursuant to subsection 1, and any such manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person who knowingly contravenes any such order of interdiction is guilty of an offence. Supplying, etc., liquor to interdicted persons  
R.S.O. 1960,  
c. 218
- (4) The Board may, by order of interdiction signed by the Chief Commissioner or the Deputy Chief Commissioner, prescribe the kinds and quantities of liquor that may be sold to any person by a manager, brewer, producer of Ontario wine, holder of a licence under *The Liquor Licence Act* or other person under this Act or the regulations, and any person who knowingly contravenes the provisions of any such order of interdiction is guilty of an offence. Idem  
R.S.O. 1960,  
c. 218
- (5) Service of the orders of interdiction of the Board mentioned in subsections 1, 3 and 4 is effective if forwarded by registered mail to the last known address of the person against whom the order of interdiction is made. Service of orders



R.S.O. 1960,  
c. 217, s. 86,  
re-enacted

**54.** Section 86 of *The Liquor Control Act* is repealed and the following substituted therefor:

Interdicted  
persons at  
Government  
store

86. Every interdicted person who is found upon the premises of a Government store is guilty of an offence.

R.S.O. 1960,  
c. 217, s. 87,  
repealed

**55.** Section 87 of *The Liquor Control Act* is repealed.

R.S.O. 1960,  
c. 217, s. 88,  
re-enacted

**56.** Section 88 of *The Liquor Control Act*, as amended by section 3 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor:

False state-  
ments in  
orders  
prohibited

88. No person shall, upon an order referred to in clause *a* of subsection 2 of section 32 or upon a proof-of-age certificate, use any name other than his own or make any other false statement.

R.S.O. 1960,  
c. 217, s. 90,  
re-enacted

**57.** Section 90 of *The Liquor Control Act* is repealed and the following substituted therefor:

Possession  
of liquor  
R.S.O. 1960,  
c. 218

90.—(1) Except as authorized by this Act or *The Liquor Licence Act*, no person shall have any liquor in his possession.

Con-  
sumption  
of liquor

(2) No person shall consume in his residence any liquor that has not been had or acquired by him under this Act or the regulations.

R.S.O. 1960,  
c. 217, s. 91,  
subs. 1,  
cl. *b*,  
amended

**58.**—(1) Clause *b* of subsection 1 of section 91 of *The Liquor Control Act* is amended by striking out “and has baggage and personal effects belonging to him in the hotel” in the fourth and fifth lines, so that the clause shall read as follows:

(*b*) shall keep or have any liquor in any room in an hotel unless he is a *bona fide* guest of the hotel and is duly registered in the office of the hotel as an occupant of that room.

R.S.O. 1960,  
c. 217, s. 91,  
subss. 2-5,  
repealed

(2) Subsections 2, 3, 4 and 5 of the said section 91 are repealed.

R.S.O. 1960,  
c. 217, s. 96,  
repealed

**59.** Section 96 of *The Liquor Control Act* is repealed.

R.S.O. 1960,  
c. 217, s. 97,  
subs. 1,  
re-enacted

**60.** Subsection 1 of section 97 of *The Liquor Control Act* is repealed and the following substituted therefor:



- (1) Where it is made to appear to the satisfaction of the judge of a county or district court, the judge of a juvenile and family court or a justice that a person, resident or sojourning in Ontario, by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or interrupts the peace and happiness of his family, the judge or justice may make an order of interdiction prohibiting the sale of liquor to him until further ordered, and the judge or justice shall cause the order of interdiction to be forthwith filed with the Board. Interdiction orders

**61.** Sections 99 and 100 of *The Liquor Control Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 217, ss. 99, 100, re-enacted

99. Upon receipt of an order of interdiction, the Board shall notify the interdicted person and all managers, and such other persons as are provided for by the regulations, of the order of interdiction. Notice of interdiction orders

- 100.—(1) Upon an application to a judge, the judge of a juvenile and family court or a justice by a person in respect of whom an order of interdiction has been made, and upon it being made to appear to the satisfaction of the judge or justice that the circumstances of the case did not warrant the making of the order of interdiction or upon proof that the interdicted person has refrained from drunkenness for at least the twelve months immediately preceding the application, the judge or justice may by order set aside the order of interdiction, and the interdicted person may be restored to all his rights under this Act and the regulations, and the Board shall accordingly forthwith notify all managers and such other persons as are provided for by the regulations. Revocation of interdiction orders

- (2) The applicant shall, at least ten clear days before the application, give notice thereof to the Board, in writing served upon the Board, and to such other persons as the judge or justice directs. Notice of application

**62.** Section 102 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 102, repealed

**63.** Section 103 of *The Liquor Control Act* is amended by striking out "\$5,000" in the fifth line and inserting in lieu thereof "not less than \$5,000 and not more than \$25,000", so that the section shall read as follows: R.S.O. 1960, c. 217, s. 103, amended

Illegal  
selling  
by brewers,  
distillers

103. Every brewer, distiller or manufacturer who is convicted of keeping for sale or selling liquor by himself, or by his clerk, servant, agent or employee, contrary to this Act or the regulations is guilty of an offence and liable to a fine of not less than \$5,000 and not more than \$25,000.

R.S.O. 1960,  
c. 217,  
ss. 104, 105,  
re-enacted

**64.** Sections 104 and 105 of *The Liquor Control Act* are repealed and the following substituted therefor:

Penalties,  
s. 75

104. Every person who contravenes any of the provisions of section 75 is guilty of an offence and liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Penalties,  
ss. 82 (1), 85

105. Every person who contravenes any provision of subsection 1 of section 82 or section 85 is guilty of an offence and liable to a fine of not more than \$3,000 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960,  
c. 217, s. 106,  
subss. 1, 2,  
re-enacted;  
subss. 3-5,  
repealed

**65.**—(1) Subsections 1, 2, 3, 4 and 5 of section 106 of *The Liquor Control Act* are repealed and the following substituted therefor:

Penalties,  
ss. 42, 66,  
70 (1),  
72 (1), 74,  
82 (2, 3),  
93

- (1) Every person who contravenes any provision of section 42 or 66, subsection 1 of section 70, subsection 1 of section 72, section 74, subsection 2 or 3 of section 82 or section 93 is guilty of an offence and liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.

Idem,  
s. 88

- (2) Every person who contravenes any provision of section 88 is guilty of an offence and liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than two months, or to both.

R.S.O. 1960,  
c. 217, s. 106,  
subs. 6,  
amended

- (2) Subsection 6 of the said section 106 is amended by striking out “\$1,000” in the third line and inserting in lieu thereof “\$5,000” and by striking out “\$3,000” in the third line and inserting in lieu thereof “\$25,000”, so that the subsection shall read as follows:

Corporations

- (6) If the offender convicted of an offence referred to in this section is a corporation, it is liable to a fine of not less than \$5,000 and not more than \$25,000.

**66.** Section 107 of *The Liquor Control Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 217, s. 107,  
re-enacted

107.—(1) Every person who is guilty of an offence against this Act for which no penalty has been specifically provided is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both. General  
penalty

(2) If the offender convicted of an offence referred to in this section is a corporation, it is liable to a fine of not less than \$5,000 and not more than \$25,000. Corporations

**67.** Section 109 of *The Liquor Control Act* is repealed. R.S.O. 1960,  
c. 217, s. 109,  
repealed

**68.** Section 110 of *The Liquor Control Act*, as amended by section 5 of *The Liquor Control Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 217, s. 110,  
re-enacted

110.—(1) A constable or other police officer may at any time, Search

(a) without a warrant, enter and search any vehicle or other conveyance in which he has reasonable grounds to believe that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and search any person found in such vehicle or other conveyance;

(b) under the authority of a warrant issued under subsection 3, enter and search any residence, building or place in which he has reasonable grounds to believe that liquor is unlawfully kept or had, or kept or had for unlawful purposes, and search any person found in such residence, building or place.

(2) A constable or other police officer who has made a search under subsection 1 may at any time seize and take away, Seizure

(a) any liquor and packages in which the liquor is kept;

(b) any book, paper or thing that he reasonably believes may be evidence of the commission of an offence against this Act; and

(c) any vehicle or other conveyance in which the liquor is found.

Search  
warrant

- (3) A justice or a justice of the peace who is satisfied by information upon oath that there are reasonable grounds for believing that liquor is unlawfully kept or had, or kept or had for unlawful purposes, in any residence, building or place may issue a warrant under his hand authorizing a constable or other police officer named therein at any time, including Sunday or other holiday, and by day or by night, to enter the residence, building or place and search for liquor, and, for the purpose of exercising his authority under this subsection, a constable or other police officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

Application  
for  
restoration

- (4) Where liquor or any other thing, except a vehicle or other conveyance, has been seized under subsection 2, any person may within thirty days from the date of such seizure apply to a justice within whose territorial jurisdiction the seizure was made for an order of restoration under subsection 5.

Order for  
restoration

- (5) Where upon the hearing of an application under subsection 4 the justice is satisfied that,

- (a) the applicant is entitled to possession of the liquor or other thing seized; and
- (b) the liquor or other thing seized is not required as evidence in any proceedings in respect of an offence under this Act,

he shall order that the liquor or other thing seized be restored forthwith to the applicant, and, where the justice is satisfied that the applicant is entitled to the possession of the liquor or other thing seized but is not satisfied as to the matter mentioned in clause *b*, he shall order that the liquor or other thing seized be restored to the applicant,

- (c) upon the expiration of three months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced; or
- (d) upon the final conclusion of any such proceedings.



- (6) Where no application has been made for the return <sup>Forfeiture</sup> of any liquor or other thing seized under subsection 2 or an application has been made but upon the hearing thereof no order of restoration has been made, the liquor or other thing seized is forfeited to Her Majesty.
- (7) Where a person is convicted of an offence under this <sup>Idem</sup> Act, any liquor or other thing seized under subsection 2 by means of which the offence was committed is forfeited to Her Majesty.
- (8) Where a person is convicted of an offence under this <sup>Idem, vehicles, etc.</sup> Act, the justice may order that any vehicle or other conveyance seized under subsection 2 that has been proved to have been used in any manner in connection with the offence be forfeited, and upon such order being made the vehicle or conveyance is forfeited to Her Majesty.
- (9) *The Fines and Forfeitures Act* applies in the case of <sup>Application of</sup> any vehicle or other conveyance that is forfeited <sup>R.S.O. 1960, c. 143</sup> under subsection 8, except that an application under that Act shall not be made by the person convicted of the offence that resulted in the forfeiture or by a person in whose possession the vehicle or other conveyance was when seized under subsection 2.

**69.** Sections 112, 113, 114, 115 and 116 of *The Liquor Control Act* are repealed.

R.S.O. 1960,  
c. 217,  
ss. 112-116,  
repealed

**70.** Subsections 1 and 2 of section 117 of *The Liquor Control Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 217, s. 117,  
subs. 1,  
re-enacted;  
subs. 2,  
repealed

- (1) All forfeited liquor shall forthwith be delivered to the Board and shall be destroyed.

Delivery of  
forfeited  
liquor to  
Board

**71.** Section 127 of *The Liquor Control Act* is repealed.

R.S.O. 1960,  
c. 217, s. 127,  
repealed

**72.** Section 128 of *The Liquor Control Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 217, s. 128,  
re-enacted

128. In proving the sale, disposal, purchase or consumption of liquor, it is not necessary in any prosecution to show that money actually passed or liquor was actually consumed if the justice hearing the case is satisfied that a transaction in the nature of a sale, disposal or purchase actually took place, or that any consumption of liquor was about to take place, and proof of consumption or intended consumption of liquor on premises on which such consumption is

Evidence  
of sale, etc.



prohibited is evidence that such liquor was sold or purchased by the person consuming, or being about to consume, or carrying away, such liquor, as against the occupant of such premises.

R.S.O. 1960, c. 217, amended **73.** *The Liquor Control Act* is amended by adding thereto the following section:

Certificates

**129a.** In a prosecution under this Act, the production of a certificate of cancellation or suspension of a permit or a certified copy of an order of interdiction is *prima facie* evidence of the cancellation or suspension of the permit or of the issuing of the order, as the case may be, without proof of the signature or official character of the person by whom it purports to be signed.

R.S.O. 1960, c. 217, ss. 133, 134, repealed **74.** Sections 133 and 134 of *The Liquor Control Act* are repealed.

R.S.O. 1960, c. 217, s. 135, repealed **75.** Section 135 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 138, repealed **76.** Section 138 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 140, subs. 3, repealed **77.**—(1) Subsection 3 of section 140 of *The Liquor Control Act* is repealed.

R.S.O. 1960, c. 217, s. 140, subs. 8, amended (2) Subsection 8 of the said section 140 is amended by striking out “and affidavit of the appellant” in the eighth and ninth lines.

R.S.O. 1960, c. 217, s. 140, subs. 9, item 1, re-enacted (3) Item 1 of the Certificate of Justice in subsection 9 of the said section 140 is repealed and the following substituted therefor:

1. Notice of appeal.

R.S.O. 1960, c. 217, s. 140, subs. 15, repealed (4) Subsection 15 of the said section 140 is repealed.

R.S.O. 1960, c. 217, s. 142, re-enacted **78.** Section 142 of *The Liquor Control Act* is repealed and the following substituted therefor:

General purpose of Act

**142.** The purpose of this Act and the regulations is to prohibit transactions in liquor except under Government control through the instrumentality of the Board, and to provide the means by which such Government control shall be made effective.

Commence-  
ment

**79.** This Act comes into force on the day it receives Royal Assent.

Short title

**80.** This Act may be cited as *The Liquor Control Amendment Act, 1965*.

## CHAPTER 59

## An Act to amend The Liquor Licence Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Section 1 of *The Liquor Licence Act* is amended by <sup>R.S.O. 1960, c. 218, s. 1, amended</sup> relettering clause *a* as clause *aa* and by adding thereto the following clause:

- (a) “aircraft” means a machine licensed for the transport of passengers by air and operated by a trans-continental air carrier on a regular or charter flight from any point in Ontario to any point in or outside Ontario.

(2) Subclause vii of clause *c* of the said section 1 is repealed <sup>R.S.O. 1960, c. 218, s. 1, cl. c, subcl. vii, re-enacted</sup> and the following substituted therefor:

- (vii) that has been in active operation for not less than one year prior to the issue to it of a licence.

(3) Clause *f* of the said section 1 is amended by inserting <sup>R.S.O. 1960, c. 218, s. 1, cl. f, amended</sup> after “car” in the second line “aircraft, theatre”, so that the clause shall read as follows:

- (f) “establishment” means a club, hotel, inn, public house, tavern, military mess, restaurant, railway car, aircraft, theatre or steamship having premises that comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued.

(4) The said section 1 is further amended by adding thereto <sup>R.S.O. 1960, c. 218, s. 1, amended</sup> the following clause:

- (fa) “Government store” means a Government store as defined in *The Liquor Control Act*.

<sup>R.S.O. 1960, c. 217</sup>

(5) Subclause ii of clause *g* of the said section 1 is repealed <sup>R.S.O. 1960, c. 218, s. 1, cl. g, subcl. ii, re-enacted</sup> and the following substituted therefor:

- (ii) in municipalities with a population of less than 100,000 and more than 10,000, not less than twenty bedrooms, and

R.S.O. 1960,  
c. 218, s. 1,  
amended

- (6) The said section 1 is further amended by adding thereto the following clause:

- (qa) "permit" means a special occasion permit or a mess and canteen permit.

R.S.O. 1960,  
c. 218, s. 1,  
cl. w,  
re-enacted

- (7) Clause w of the said section 1 is repealed and the following substituted therefor:

- (w) "tavern" means an establishment having the special accommodation, facilities and equipment that are prescribed by the regulations for any of the following classes of licences:

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence;

- (wa) "theatre" means an establishment having the special accommodation, facilities and equipment prescribed by the regulations where, in consideration of payment, musical, dramatic or cultural performances are usually staged, but does not include a motion picture theatre.

R.S.O. 1960,  
c. 218, s. 12,  
re-enacted

- 2.** Section 12 of *The Liquor Licence Act* is repealed and the following substituted therefor:

#### Audit

12. The accounts and financial transactions of the Board shall be audited by the Provincial Auditor.

R.S.O. 1960,  
c. 218, s. 16,  
amended

- 3.** Section 16 of *The Liquor Licence Act* is amended by striking out "except that" in the sixth line and by striking out clauses a, b, c and d, so that the section shall read as follows:

#### Evidence

16. For the purpose of any hearing or investigation, the Board has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise and to produce documents, records and things as is vested in the Supreme Court or a judge thereof for the trial of civil actions.

4.—(1) Clause *a* of subsection 1 of section 17 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 17, subs. 1, cl. *a*, re-enacted

- (a) the affairs or conduct of any person holding a licence or of any of his servants, agents or employees.

(2) Clause *a* of subsection 2 of the said section 17 is amended by striking out “any person” in the first line and inserting in lieu thereof “an inspector of the Board”. R.S.O. 1960, c. 218, s. 17, subs. 2, cl. *a*, amended

5. Subsection 1 of section 18 is amended by striking out “any person” in the third line and inserting in lieu thereof “a representative of the Board appointed for that purpose”. R.S.O. 1960, c. 218, s. 18, subs. 1, amended

6. Section 19 of *The Liquor Licence Act* is amended by striking out “and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar” in the third, fourth and fifth lines, so that the section shall read as follows: R.S.O. 1960, c. 218, s. 19, amended

19. No order, direction, certificate or subpoena or other document of the Board is valid or binding unless it is issued in the name of the Board. Validity of orders

7. Section 22 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 22, re-enacted

22.—(1) The Board may issue special occasion permits for the serving of liquor on designated premises for functions as provided by the regulations, and may issue any such permit upon such terms and subject to such conditions as it prescribes. Special occasion permits

- (2) Application for a special occasion permit may be made to the registrar or to the deputy registrar for the licensing district in which the function is to be held. Application

8.—(1) Paragraph 1 of subsection 1 of section 24 of *The Liquor Licence Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 218, s. 24, subs. 1, par. 1, re-enacted

1. Hotels and inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence,
- iv. public house licence,

and taverns and theatres having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence,

but the Board shall not issue a dining lounge licence or a lounge licence to an hotel, inn, tavern or theatre situated in a municipality in which such licences have not been issued heretofore to hotels, inns, taverns or theatres unless or until an affirmative vote has been taken on question 7 or 8, as the case may be, of subsection 1 of section 72, and section 72 applies *mutatis mutandis* to such vote whether or not a by-law mentioned in section 70 is in force therein.

R.S.O. 1960,  
c. 218, s. 24,  
subs. 1,  
par. 2,  
amended

(2) Paragraph 2 of subsection 1 of the said section 24 is amended by inserting after "cars" in the first line "aircraft", so that the paragraph shall read as follows:

- 2. Military messes, railway cars, aircraft and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- i. dining lounge licence,
- ii. dining room licence,
- iii. lounge licence,
- iv. public house licence.

R.S.O. 1960,  
c. 218, s. 24<sup>u</sup>,  
amended

9. Section 24a of *The Liquor Licence Act*, as enacted by section 2 of *The Liquor Licence Amendment Act, 1961-62*, is amended by striking out "organized and" in the eighth line



and by striking out "time of application for" in the ninth and tenth lines and inserting in lieu thereof "issue to it of", so that the section shall read as follows:

- 24a. Notwithstanding the restrictions and prohibitions <sup>Licences, certain class of clubs</sup> imposed by any municipal by-law passed under *The Liquor Licence Act*, being chapter 215 of the Revised Statutes of Ontario, 1914, or this or any other Act relating to the sale of liquor by retail, the Board may issue a club licence or a club licence (restricted) to any club that is affected by any such by-law and that has been in active operation for not less than three years prior to the issue to it of a licence.

**10.** Subsection 2 of section 26 of *The Liquor Licence Act* <sup>R.S.O. 1960, c. 218, s. 26, subs. 2, amended</sup> is amended by striking out "in respect of which an authority under *The Liquor Authority Control Act*, 1944 was held on the 1st day of January, 1947" in the second and third lines, so that the subsection shall read as follows:

- (2) Where in the opinion of the Board any establishment <sup>classification as hotel</sup> is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel or inn notwithstanding that it does not comply with subclause i, ii or iii of clause *g* of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board deems advisable.

**11.** Clause *e* of subsection 1 of section 28 of *The Liquor Licence Act* is amended by striking out "British subject" <sup>R.S.O. 1960, c. 218, s. 28, subs. 1, cl. e, amended</sup> and inserting in lieu thereof "Canadian citizen", so that the clause shall read as follows:

(*e*) if an individual, is not a Canadian citizen.

**12.** Section 29 of *The Liquor Licence Act* is amended by <sup>R.S.O. 1960, c. 218, s. 29, amended</sup> adding thereto the following subsection:

(1a) Subsection 1 does not apply to a theatre.

<sup>Theatres excepted</sup>

**13.** Section 31 of *The Liquor Licence Act* is amended by <sup>R.S.O. 1960, c. 218, s. 31, amended</sup> striking out "and upon the issue, renewal, transfer, cancellation or suspension thereof the value of a licence shall not be capitalized but becomes the property of the Crown in right of Ontario" in the second, third, fourth and fifth lines.

R.S.O. 1960,  
c. 218, s. 36,  
subs. 1,  
amended

**14.** Subsection 1 of section 36 of *The Liquor Licence Act* is amended by adding at the end thereof "at or before the meeting of the Board at which the application is to be heard", so that the subsection shall read as follows:

Filing of  
application

(1) Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made at or before the meeting of the Board at which the application is to be heard.

R.S.O. 1960,  
c. 218,  
amended

**15.** *The Liquor Licence Act* is amended by adding thereto the following section:

Exception

37a. Where an establishment is licensed under this Act, an application may be made for one or more additional licences of one or more classes that are lawful in the municipality or part thereof in which the establishment is situated without a preliminary application and without the publication of notice of the application as required by sections 36 and 37.

R.S.O. 1960,  
c. 218, s. 41,  
subs. 1,  
amended

**16.** Subsection 1 of section 41 of *The Liquor Licence Act* is amended by striking out "in its discretion" in the second and third lines.

R.S.O. 1960,  
c. 218, s. 46,  
amended

**17.** Section 46 of *The Liquor Licence Act* is amended by striking out "in its discretion" in the first line.

R.S.O. 1960,  
c. 218, s. 53,  
subs. 2,  
amended

**18.** Subsection 2 of section 53 of *The Liquor Licence Act* is amended by striking out "he" in the fifth line and inserting in lieu thereof "such person".

R.S.O. 1960,  
c. 218, s. 16,  
subs. 1,  
re-enacted

**19.**—(1) Subsection 1 of section 61 of *The Liquor Licence Act* is repealed and the following substituted therefor:

Penalties,  
s. 53 (1)

(1) Every person who contravenes subsection 1 of section 53 is guilty of an offence and liable to a fine of not more than \$3,000 or to imprisonment for a term of not more than six months, or to both.

R.S.O. 1960,  
c. 218, s. 61,  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 61 is repealed and the following substituted therefor:

Idem,  
general

(4) Every person who contravenes any of the provisions of this Act or the regulations for which no penalty has been specifically provided is guilty of an offence and liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than three months, or to both.

(3) Subsection 5 of the said section 61 is amended by striking out "\$1,000" in the third line and inserting in lieu thereof "\$5,000" and by striking out "\$3,000" in the fourth line and inserting in lieu thereof "\$25,000", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 218, s. 61,  
subs. 5,  
amended

- (5) Where an offender convicted of an offence referred to in this section, other than a contravention of section 57, is a corporation, it is liable to a fine of not less than \$5,000 and not more than \$25,000.

Corporations

**20.** Sections 62 and 63 of *The Liquor Licence Act* are repealed.

R.S.O. 1960,  
c. 218,  
ss. 62, 63,  
repealed

**21.** Subsection 1 of section 83 of *The Liquor Licence Act* is amended by inserting after "*mutatis mutandis*" in the fifth line "except that no vote under this Act shall be set aside or declared invalid for any reason set out in subsection 1 of section 6 of *The Election Act*", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 218, s. 83,  
subs. 1,  
amended

- (1) Notwithstanding anything in this or any other Act, where the validity of a vote on any question or questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, apply *mutatis mutandis*, except that no vote under this Act shall be set aside or declared invalid for any reason set out in subsection 1 of section 6 of *The Election Act*, and any notice of motion required under that Part shall be served on such person as the judge or master, as defined in that Part, directs.

Where  
validity of  
vote  
questioned

R.S.O. 1960,  
cc. 249, 118

**22.—**(1) Section 85 of *The Liquor Licence Act* is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 218, s. 85,  
amended

(*fa*) prescribing the fees payable in respect of applications.

(2) Clause *k* of the said section 85 is amended by striking out "banquet, entertainment" in the first and second lines and inserting in lieu thereof "special occasion", so that the clause shall read as follows:

R.S.O. 1960,  
c. 218,  
s. 85, cl. *k*,  
amended

- (*k*) governing the issue and cancellation of special occasion or military mess permits and prescribing the fees payable in respect of the issue of such permits.

(3) Clause *r* of the said section 85 is repealed.

R.S.O. 1960,  
c. 218, s. 85,  
cl. *r*,  
repealed

**23.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**24.** This Act may be cited as *The Liquor Licence Amendment Act, 1965*.

Short title



## CHAPTER 60

**An Act to amend  
The Live Stock Community Sales Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of section 1 of *The Live Stock Community Sales Act* is repealed. R.S.O. 1960,  
c. 221, s. 1,  
cl. *a*,  
repealed

(2) The said section 1 is amended by adding thereto the following clause: R.S.O. 1960,  
c. 221, s. 1,  
amended

(*ba*) “Director” means the Director of the Veterinary Services Branch of the Department of Agriculture.

**2.** Section 3 of *The Live Stock Community Sales Act* is amended by striking out “Commissioner” in the second and third lines and inserting in lieu thereof “Director”. R.S.O. 1960,  
c. 221, s. 3,  
amended

**3.** *The Live Stock Community Sales Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 221,  
amended

10a. The Minister may appoint a chief inspector and one or more inspectors for the purposes of this Act. Inspectors

**4.**—(1) Subsection 1 of section 11 of *The Live Stock Community Sales Act* is amended by striking out “Commissioner” in the first line and inserting in lieu thereof “Director”. R.S.O. 1960,  
c. 221, s. 11,  
subs. 1,  
amended

(2) Subsection 2 of the said section 11 is amended by striking out “Commissioner” in the first line and inserting in lieu thereof “Director”. R.S.O. 1960,  
c. 221, s. 11,  
subs. 2,  
amended

(3) Subsection 3 of the said section 11 is amended by striking out “Commissioner” in the first line and inserting in lieu thereof “Director”. R.S.O. 1960,  
c. 221, s. 11,  
subs. 3,  
amended



Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Live Stock Community Sales Amendment Act, 1965*.

## CHAPTER 61

## An Act to amend The Loan and Trust Corporations Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 75 of *The Loan and Trust Corporations Act* is amended by striking out "twelve and one-half" in the tenth line and inserting in lieu thereof "fifteen", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 222, s. 75,  
subs. 2,  
amended

- (2) The total amount borrowed by a corporation on debentures and other securities and by way of deposits shall not exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and upon such terms and conditions as are prescribed, increase the amount that may be borrowed to a sum not exceeding an amount equal to the aggregate of such cash and of fifteen times the combined amounts of such capital and reserve.

Limit of  
borrowing

**2.** *The Loan and Trust Corporations Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 222,  
amended

- 82a.—(1) The total of the sums of money received as deposits under section 80 and for guaranteed investment under section 82 shall not at any time exceed an amount equal to the aggregate of its cash on hand or deposited in chartered banks in Canada and of four times the combined amounts of its then unimpaired paid-in capital and reserve, but the Lieutenant Governor in Council may, on the report of the Registrar and upon such terms and conditions as are prescribed, increase the amount that may be received to a sum not exceeding an amount equal

Limit on  
guaranteed  
funds

to the aggregate of such cash and fifteen times the combined amounts of such capital and reserve.

Deduction  
to be  
made in  
estimating  
the paid-in  
capital

- (2) In ascertaining the amounts that may be received by a trust company under subsection 1, all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the paid-in capital.

R.S.O. 1960,  
c. 222, s. 123,  
amended

**3.** Section 123 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

When extra-  
provincial  
trust  
company  
may be  
registered

- (3a) A trust company duly constituted as a joint stock corporation under the laws of any other province of Canada shall not be registered unless it is shown to the satisfaction of the Registrar that, in the locality in which the company proposes to carry on business, there exists a public necessity for a trust company or for an additional trust company and the Registrar is satisfied that the fitness of the applicant to discharge the duties of a trust company is such as to command the confidence of the public and that the public convenience and advantage will be promoted by granting registration to the company.

R.S.O. 1960,  
c. 222, s. 137,  
subs. 1, cl. a  
(1961-62,  
c. 74, s. 4,  
subs. 1),  
amended

**4.—**(1) Clause *a* of subsection 1 of section 137 of *The Loan and Trust Corporations Act*, as re-enacted by subsection 1 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out “two-thirds” in the ninth line and inserting in lieu thereof “three-quarters”, so that the clause shall read as follows:

mortgages

- (a) mortgages, charges or hypothecs upon improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount paid for the mortgage, charge or hypothec, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage, charge or hypothec in which the purchase or investment is made, shall not exceed three-quarters of the value of the real estate or leasehold.

R.S.O. 1960,  
c. 222, s. 137,  
subs. 1,  
cl. aa  
(1961-62,  
c. 74, s. 4,  
subs. 1),  
amended

- (2) Clause *aa* of subsection 1 of the said section 137, as enacted by subsection 1 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out “Ontario or elsewhere where the corporation is carrying on business” in the second and third lines and inserting in

lieu thereof "Canada" and by striking out "two-thirds" in the fifth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

- (aa) mortgages, charges or hypothecs upon improved real estate or leaseholds in Canada, notwithstanding that the amount paid for the mortgage, charge or hypothec exceeds three-quarters of the value of the real estate or leasehold, if the loan for which the mortgage, charge or hypothec is security is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto. N.H.A. mortgages  
1953-54,  
c. 23 (Can.)

(3) Clause aa of subsection 3 of the said section 137, as enacted by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the seventh line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: R.S.O. 1960,  
c. 222, s. 137,  
subs. 3,  
cl. aa  
(1961-62,  
c. 74, s. 4,  
subs. 4),  
amended

- (aa) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan shall not exceed three-quarters of the value of the real estate or leasehold.

(4) Clause ab of subsection 3 of the said section 137, as enacted by subsection 4 of section 4 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fourth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: R.S.O. 1960,  
c. 222, s. 137,  
subs. 3,  
cl. ab  
(1961-62,  
c. 74, s. 4,  
subs. 4),  
amended

- (ab) improved real estate or leaseholds in Ontario or elsewhere where the corporation is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto. 1953-54,  
c. 23 (Can.)

5.—(1) Clause aa of subsection 4 of section 139 of *The Loan and Trust Corporations Act*, as enacted by section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the seventh line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows: R.S.O. 1960,  
c. 222, s. 139,  
subs. 4,  
cl. aa  
(1961-62,  
c. 74, s. 5),  
amended

(aa)

mortgages

(aa) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed three-quarters of the value of the real estate or leasehold.

R.S.O. 1960,  
c. 222, s. 139,  
subs. 4,  
cl. ab  
(1961-62,  
c. 74, s. 5),  
amended

(2) Clause *ab* of subsection 4 of the said section 139, as enacted by section 5 of *The Loan and Trust Corporations Amendment Act, 1961-62*, is amended by striking out "two-thirds" in the fourth line and inserting in lieu thereof "three-quarters", so that the clause shall read as follows:

N.H.A.  
mortgages

(ab) improved real estate or leaseholds in Ontario or elsewhere where the company is carrying on business, notwithstanding that the amount of the loan exceeds three-quarters of the value of the real estate or leasehold, if the loan is an approved loan or an insured loan under the *National Housing Act, 1954* (Canada) or any amendments thereto.

1953-54,  
c. 23 (Can.)

R.S.O. 1960,  
c. 222, s. 146,  
amended

6. Section 146 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof "or, subject to the approval of the Lieutenant Governor in Council, may lease the whole building with a lease back to the corporation of the part of the building required by the corporation for the transaction of its business", so that the section shall read as follows:

Power to  
acquire  
larger  
building and  
to lease part  
or lease  
whole with  
lease back

146. A registered corporation, when so authorized by its letters patent or by the Lieutenant Governor in Council, may acquire or may construct, on any lands held pursuant to section 145, a building larger than is required for the transaction of its business and may lease any part of the building not so required or, subject to the approval of the Lieutenant Governor in Council, may lease the whole building with a lease back to the corporation of the part of the building required by the corporation for the transaction of its business.

R.S.O. 1960,  
c. 222, s. 150,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 150 of *The Loan and Trust Corporations Act* is amended by striking out "15th" in the third line and inserting in lieu thereof "31st".

R.S.O. 1960,  
c. 222, s. 150,  
subs. 2,  
amended

(2) Subsection 2 of the said section 150 is amended by striking out "15th" in the third line and inserting in lieu thereof "31st".



(3) Subsection 3 of the said section 150 is amended by <sup>R.S.O. 1960,</sup> striking out "15th" in the third line and inserting in lieu <sup>c. 222, s. 150,</sup> thereof "31st". <sup>subs. 3,</sup> <sup>amended</sup>

**8.** Section 151 of *The Loan and Trust Corporations Act* <sup>R.S.O. 1960,</sup> is amended by striking out "15th" in the second line and <sup>c. 222, s. 151,</sup> inserting in lieu thereof "31st". <sup>amended</sup>

**9.**—(1) This Act, except section 2, comes into force on <sup>Commence-</sup> the day it receives Royal Assent. <sup>ment</sup>

(2) Section 2 comes into force on a day to be named by the <sup>Idem</sup> Lieutenant Governor by his proclamation.

**10.** This Act may be cited as *The Loan and Trust Corpora-* <sup>Short title</sup> *tions Amendment Act, 1965.*



## CHAPTER 62

**An Act to amend The Local Improvement Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Paragraph 20 of section 1 of *The Local Improvement Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 223, s. 1,  
par. 20,  
re-enacted

20. "published" means published in a daily or weekly newspaper which, in the opinion of the clerk, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Local Improvement Amendment Act, 1965*.

Short title



CHAPTER 63

**An Act to amend  
The Local Roads Boards Act, 1964**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of section 1 of *The Local Roads Boards Act, 1964* <sup>1964, c. 56,  
s. 1, cl. *e*,  
re-enacted</sup> is repealed and the following substituted therefor:

(*e*) “owner” means a person entitled to convey land and whose interest in the land is defined and whose name is specified in an instrument registered in the proper registry or land titles office, and includes a lessee of the Crown and a locatee under *The Public Lands Act*. <sup>R.S.O. 1960,  
c. 324</sup>

2. Clause *a* of subsection 7 of section 7 of *The Local Roads Boards Act, 1964* is repealed and the following substituted <sup>1964, c. 56,  
s. 7, subs. 7,  
cl. *a*,  
re-enacted</sup> therefor:

(*a*) the owners of land in the area who are present at the meeting shall elect three of their number to be trustees of the board; and

. . . . .

3. Every local roads board established under *The Local Roads Boards Act, 1964* on or before the day upon which this Act came into force shall be deemed for all purposes to have been duly established in accordance with that Act. <sup>Existing  
boards</sup>

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-  
ment</sup>

5. This Act may be cited as *The Local Roads Boards Amendment Act, 1965*. <sup>Short title</sup>





## CHAPTER 64

**An Act to amend  
The Loggers' Safety Act, 1962-63**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 1 of *The Loggers' Safety Act, 1962-63* 1962-63,  
c. 76, s. 1,  
cl. a,  
repealed is repealed.

**2.** *The Loggers' Safety Act, 1962-63* is amended by adding thereto the following section: 1962-63,  
c. 76,  
amended

1a. The administration of this Act is under the control and direction of the member of the Executive Council designated so to do by the Lieutenant Governor in Council. Administra-  
tion of Act

**3.** Section 3 of *The Loggers' Safety Act, 1962-63* is repealed and the following substituted therefor: 1962-63,  
c. 76, s. 3,  
re-enacted

3. There shall be an officer known as the chief officer and such other officers as are deemed necessary for the administration of this Act. Chief and  
other  
officers

**4.** Subsection 1 of section 9 of *The Loggers' Safety Act, 1962-63* is amended by striking out "more than" in the third line and inserting in lieu thereof "at least", so that the subsection shall read as follows: 1962-63,  
c. 76, s. 9,  
subs. 1,  
amended

(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a logger whereby he is prevented or is likely to be prevented for at least three days from working, a notice of the occurrence in the prescribed form shall be delivered or mailed to the chief officer by the operator. Notice of  
accidents

**5.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**6.** This Act may be cited as *The Loggers' Safety Amendment Act, 1965*. Short title



## CHAPTER 65

## An Act to amend The Logging Tax Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34 of *The Logging Tax Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 224, s. 34, amended

(2) Notwithstanding subsection 1, the Treasurer may, Exception

(a) communicate or allow to be communicated information obtained under this Act; or

(b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the Government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.

2. This Act applies in respect of the taxation years of taxpayers ending in 1964 and subsequent taxation years. Application of Act

3. This Act comes into force on the day it receives Royal Assent. Commencement

4. This Act may be cited as *The Logging Tax Amendment Act, 1965*. Short title





## CHAPTER 66

**An Act to amend  
The Lord's Day (Ontario) Act, 1960-61**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 4 of *The Lord's Day (Ontario) Act, 1960-61* is amended by adding thereto the following subsection: 1960-61,  
c. 50, s. 4,  
amended

(2) Part XXI of *The Municipal Act* applies to by-laws passed under subsection 1. Application  
of  
R.S.O. 1960,  
c. 249,  
Pt. XXI

**2.** This Act shall be deemed to have come into force on the 1st day of January, 1965. Commence-  
ment

**3.** This Act may be cited as *The Lord's Day (Ontario) Amendment Act, 1965*. Short title



## CHAPTER 67

## An Act to amend The Marriage Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Marriage Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 228, s. 7, amended

(4a) A consent required by this section shall be in Form 11 Form of consent or in such other form as the Provincial Secretary deems sufficient, and the person giving the consent shall certify that the information and particulars contained therein are true and correct.

2. Clause *b* of subsection 1 of section 13 of *The Marriage Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 228, s. 13, subs. 1, cl. b, re-enacted

(b) one of the parties shall make an affidavit (Form 4) and,

(i) produce to the issuer a birth certificate of the other party, or

(ii) deposit with the issuer an affidavit by the other party or by some member of his family having personal knowledge of the facts, stating the age, date and place of birth of such other party; provided that, where the affidavit is made by the other party to the intended marriage, it is sufficient to state his age, date and place of birth, according to the best of his knowledge, information and belief.

3. Item 8 of subsection 2 of section 36 of *The Marriage Act* is repealed. R.S.O. 1960, c. 228, s. 36, subs. 2, item 8, repealed

4. Subsections 1 and 2 of section 38 of *The Marriage Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 228, s. 38, subs. 1, 2, re-enacted

Licence  
fee

(1) The fee for a licence is \$10, of which sum \$7 shall be remitted by the issuer to the Treasurer of Ontario.

Idem

(2) The issuer shall retain \$3 from the licence fee for his own use.

R.S.O. 1960,  
c. 228, s. 50,  
amended

**5.** Section 50 of *The Marriage Act* is amended by adding at the commencement thereof "Subject to section 50a", so that the section shall read as follows:

False  
statements

50. Subject to section 50a, every person who knowingly makes any false statement in any document required under this Act, in addition to any other penalty or punishment to which he may be liable, is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$500 or to imprisonment for a term of not more than one year, or to both.

R.S.O. 1960,  
c. 228,  
amended

**6.** *The Marriage Act* is amended by adding thereto the following section:

Idem

50a. Every person who knowingly makes a false statement in a certificate required by subsection 4a of section 7 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

R.S.O. 1960,  
c. 228,  
amended

**7.** *The Marriage Act* is amended by adding thereto the following form:

## FORM 11

(Section 7)

## CONSENT OF PARENT OR GUARDIAN TO MARRIAGE

Province of Ontario

IN THE MATTER OF the proposed marriage

of.....of.....  
(name in full) (address—giving street  
and number)

To Wit:

and.....of.....  
(name in full) (address—giving street  
and number)

I, .....  
(name in full)

of the.....of.....  
(city, town, village or township)

in the.....of.....  
(county or district)

in the.....of.....  
(province)

....., HEREBY DECLARE:  
(occupation)

That

That I am the.....  
 ("father", "mother" or "guardian duly appointed")  
 of the said.....;

That.....is under the age of eighteen years and was born  
(*he or she*)  
on the.....day of....., 19.....;

That I hereby give my consent to the said marriage.

I hereby certify that the information and particulars herein contained are true and correct.

.....  
(signature of parent or guardian)

8. This Act comes into force on the 1st day of July, 1965. Commence-  
ment

**9.** This Act may be cited as *The Marriage Amendment Act*,<sup>Short title</sup>  
1965.





## CHAPTER 68

**An Act to amend  
The Meat Inspection Act (Ontario), 1962-63**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Meat Inspection Act (Ontario)*, 1962-63, <sup>1962-63, c. 78, s. 1, cl. b, re-enacted</sup> 1962-63 is repealed and the following substituted therefor:

(*b*) "Director" means the Director of the Veterinary Services Branch of the Department of Agriculture.

**2.** Section 2 of *The Meat Inspection Act (Ontario)*, 1962-63 <sup>1962-63, c. 78, s. 2, amended</sup> is amended by adding thereto the following subsection:

(1*a*) No person shall slaughter an animal, except in the manner and by the devices prescribed by the regulations. <sup>Idem</sup>

**3.—**(1) Subsection 1 of section 3 of *The Meat Inspection Act (Ontario)*, 1962-63 <sup>1962-63, c. 78, s. 3, subs. 1, amended</sup> is amended by striking out "Commissioner" in the third line and inserting in lieu thereof "Director".

(2) Subsection 2 of the said section 3 is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director". <sup>1962-63, c. 78, s. 3, subs. 2, amended</sup>

(3) Subsection 3 of the said section 3 is amended by striking out "Commissioner" in the first line and in the third line and inserting in lieu thereof in each instance "Director". <sup>1962-63, c. 78, s. 3, subs. 3, amended</sup>

**4.** Subsection 3 of section 4 of *The Meat Inspection Act (Ontario)*, 1962-63 <sup>1962-63, c. 78, s. 4, subs. 3, amended</sup> is amended by striking out "Commissioner" in the second line and inserting in lieu thereof "Director".

**5.** Section 5 of *The Meat Inspection Act (Ontario)*, 1962-63 <sup>1962-63, c. 78, s. 5, amended</sup> is amended by striking out "Commissioner" in the first line and inserting in lieu thereof "Director".

1962-63,  
c. 78, s. 10,  
cl. c,  
amended

**6.**—(1) Clause *c* of section 10 of *The Meat Inspection Act (Ontario)*, 1962-63 is amended by striking out “Commissioner” in the first and second lines and inserting in lieu thereof “Director”.

1962-63,  
c. 78, s. 10,  
amended

(2) The said section 10 is amended by adding thereto the following clauses:

(fa) prescribing the manner of, and the devices to be used in, the slaughter of animals;

(fb) respecting the transportation and delivery of meat from a plant.

Commence-  
ment

**7.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**8.** This Act may be cited as *The Meat Inspection Amendment Act (Ontario)*, 1965.

## CHAPTER 69

## An Act to amend The Medical Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 2 of section 20 of *The Medical Act* is amended by inserting after "Act" in the third line "a private hospital licensed under *The Private Hospitals Act*", so that the clause shall read as follows:

R.S.O. 1960,  
c. 234, s. 20,  
subs. 2,  
cl. b, amended

- (b) is employed as an interne or is engaged in post-graduate work in a public hospital approved under *The Public Hospitals Act*, a private hospital licensed under *The Private Hospitals Act*, a hospital within the meaning of *The Mental Hospitals Act*, the Toronto Psychiatric Hospital, an isolation hospital established under *The Public Health Act*, a sanatorium for consumptives within the meaning of *The Sanatoria for Consumptives Act*, or a hospital operated and maintained by Her Majesty in right of Canada; and

R.S.O. 1960,  
cc. 322, 305,  
236, 321, 359

. . . . .

2. *The Medical Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 234,  
amended

32a.—(1) The Council may by by-law provide for,

Complaints  
committee

- (a) the establishment of a complaints committee, which shall have authority to consider complaints regarding the conduct or actions of a member and to refer any such complaint in whole or in part to the discipline committee;
- (b) the composition and quorum of the complaints committee; and
- (c) the procedure to be followed by the complaints committee in the conduct of its business.

Saving

- (2) Notwithstanding subsection 1 and any by-law passed thereunder, the Council and the executive committee shall continue to have authority, as in this Act provided, to direct that an inquiry be made by the discipline committee into any alleged professional misconduct on the part of a member.

R.S.O. 1960,  
c. 234, s. 33  
(1962-63,  
c. 80, s. 1),  
subs. 3,  
cl. c,  
amended

- 3.** Clause *c* of subsection 3 of section 33 of *The Medical Act*, as re-enacted by section 1 of *The Medical Amendment Act, 1962-63*, is amended by adding at the end thereof "or of incompetence", so that the clause shall read as follows:

- (*c*) if he has been guilty, in the opinion of the discipline committee or Council, of misconduct in a professional respect or of conduct unbecoming a medical practitioner or of incompetence.

R.S.O. 1960,  
c. 234,  
Sched. A,  
amended

- 4.** Schedule A to *The Medical Act* is amended by striking out "Renfrew" in Territorial Division 6 and by adding "Renfrew" to Territorial Division 7.

Commence-  
ment

- 5.** This Act comes into force on the day it receives Royal Assent.

Short title

- 6.** This Act may be cited as *The Medical Amendment Act, 1965*.



## CHAPTER 70

**An Act respecting Medical Services Insurance**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) “benefits” of a standard contract means a payment made to, or on behalf of, a covered person for medical, surgical or obstetrical care or services or the performance of such care or services for a covered person;
- (b) “carrier” means a person, firm, group, association, society, union or corporation that sells or provides or offers to sell or provide medical services insurance, except a mutual benefit society licensed under *The Insurance Act*; <sup>R.S.O. 1960, c. 190</sup>
- (c) “Corporation” means Medical Carriers Incorporated established under this Act;
- (d) “Council” means the Medical Services Insurance Council established under this Act;
- (e) “covered person” means a person who is covered by medical services insurance;
- (f) “dependant” means a resident who is,
  - (i) the spouse of the head of a family, or
  - (ii) a child of the head of a family who is dependent for support upon the head of the family and who is under the age of twenty-one years and unmarried;
- (g) “guaranteed renewable” means the right that is conferred upon the holder of a standard contract, in the

absence

absence of misrepresentation, misuse of services or non-payment of subscription, to continue on the same basis, except for subscription rates, his contract in force from the date of issue until the carrier is no longer licensed under this Act;

- (h) "head of a family" means the member of a family upon whom the family is principally dependent for maintenance;
- (i) "licensed carrier" means a carrier licensed under this Act;
- (j) "medical services insurance" means a contract, agreement, scheme, fund or arrangement whereby a resident is covered for medical, surgical or obstetrical care or services or the cost or a portion thereof when rendered to such resident and to his dependants by or under the direction of a physician, but does not include the limited and incidental insurance against medical and surgical expenses provided in conjunction with motor vehicle liability, accident liability, employer's liability, public liability and workmen's compensation insurance policies;
- (k) "Minister" means the Minister of Health;
- (l) "open enrolment period" means the period that is from time to time designated by the Minister as a period during which persons may enrol for standard contracts;
- (m) "physician" means a legally qualified medical practitioner who is registered as such under a statute governing the practice of medicine in the jurisdiction in which any medical, surgical or obstetrical services are rendered to a resident;
- (n) "regulations" means the regulations made under this Act;
- (o) "resident" means an individual who is legally entitled to remain in Canada, who has ordinarily resided in Ontario for a continuous period of at least ninety days immediately preceding the date on which an application for a standard contract is made by him or on his behalf, but does not include a tourist, transient or visitor to Ontario;

- (p) "standard co-insurance medical services insurance contract" means a contract that is guaranteed renewable and that provides to residents the benefits set forth in Schedule B, and to qualify as such it must be a separate contract and must be designated as such;
- (q) "standard contract" means a standard co-insurance medical services insurance contract or a standard medical services insurance contract;
- (r) "standard medical services insurance contract" means a contract that is guaranteed renewable and that provides to residents the benefits set forth in Schedule A, and to qualify as such it must be a separate contract and must be designated as such;
- (s) "subscription" means the premium, fee or other sum of money payable for a standard contract, and includes all sums of money payable from time to time to maintain the contract in force;
- (t) "Superintendent" means the Superintendent of Insurance for Ontario.

**2.**—(1) The Minister is responsible for the administration of this Act. Minister responsible

(2) The Minister may,

Powers

- (a) designate open enrolment periods;
- (b) exempt licensed carriers from the requirement of providing standard medical services insurance contracts; and
- (c) approve the general form and content of standard contracts.

**3.**—(1) There shall be a Medical Services Insurance Council, which shall be appointed by the Lieutenant Governor in Council and which shall be composed of nine members, five representative of the public, two representative of the medical profession nominated by the Ontario Medical Association, and two representative of the licensed carriers nominated by the Corporation. Medical Services Insurance Council

(2) The Lieutenant Governor in Council shall designate one of the members of the Council as chairman. Chairman

- Vacancies (3) The Lieutenant Governor in Council may fill any vacancies that occur in the membership of the Council, having regard to the balance of representation provided for in subsection 1.
- Quorum (4) A majority of all the members of the Council constitutes a quorum whether or not a vacancy exists on the Council.
- Functions,  
general (5) The Council shall act as adviser to the Minister in the administration of this Act and shall make recommendations to him upon,
- (a) the initial and subsequent maximum subscription rates recommended by the Corporation;
  - (b) the designation of open enrolment periods recommended by the Corporation;
  - (c) the general form and content of standard contracts; and
  - (d) any other matter related to this Act.
- Idem,  
complaints (6) The Council shall deal with complaints relative to this Act, and with all matters referred to it by the Minister or by the Corporation.
- Idem,  
exemptions (7) The Council shall consider the application of any licensed carrier for exemption from the requirement of providing standard medical services insurance contracts and shall make its recommendation to the Minister, having regard to the grounds prescribed by the regulations.
- Idem,  
additional  
functions (8) The Council shall perform such additional functions as are prescribed by the regulations.
- Medical  
Carriers  
Incorporated 4.—(1) There is hereby established a corporation without share capital under the name of “Medical Carriers Incorporated”, whose membership shall be composed of the licensed carriers.
- Board of  
directors (2) The board of directors of the Corporation shall consist of seven directors appointed as follows: two by the Canadian Health Insurance Association, two by physician-sponsored carriers, one by health insurance co-operatives, one by self-insurers and all other carriers, and the seventh, who shall be chairman, to be appointed by the six first-mentioned directors.

(3) In the event of any of the classes of carriers mentioned in subsection 2 failing to appoint a director within the time provided by the by-laws of the Corporation, the directors who have been appointed shall select and appoint a director representative of and from such class. <sup>Failure to appoint director</sup>

(4) The chairman shall not be a director, officer, agent, employee or representative of, or be connected directly or indirectly with, any carrier. <sup>Qualification of chairman</sup>

(5) The Corporation shall, <sup>Functions, general</sup>

(a) recommend to the Council from time to time changes in benefits and maximum subscription rates;

(b) recommend to the Council initial and subsequent open enrolment periods and enrolment procedures;

(c) pass by-laws governing the qualification, classification and regulation of its members;

(d) regulate and deal with any matter relating to its administrative or technical operations;

(e) act as a central depository of statistical information required and received from its members relative to the operation of standard contracts;

(f) advise on, deal with or carry out any matter referred to it by the Council;

(g) designate the licensed carriers, other than those exempt under clause *b* of subsection 2 of section 2, that shall offer standard co-insurance medical services insurance contracts.

(6) The Corporation shall establish and administer a system for the pooling of standard contracts and may upon application therefor exempt a licensed carrier from the pooling requirements. <sup>Idem, pooling system</sup>

(7) The powers of the Corporation shall be exercised by its board of directors. <sup>Idem</sup>

(8) The members of the Corporation shall be assessed annually for the moneys required for its operations. <sup>Annual assessment</sup>

(9) The proportion of any assessment for the administrative expenses of its operations, adjusted for profits or losses in <sup>Determination of assessment</sup>



pooling arrangements, to be levied in any year and to be borne by each member, shall be determined in an equitable manner by its board of directors and confirmed by at least two-thirds of the votes cast by the members present in person or represented by proxy and entitled to vote at any annual or general meeting of the members.

**Voting of members**

(10) In any meeting of the members of the Corporation in any or all matters for decision of the members, the number of votes to be cast by or on behalf of any member shall be based upon the proportion of the number of persons between the ages of twenty-one years and sixty-five years covered in Ontario by the member under contracts of all forms of medical services insurance in relation to the total number of such persons so covered in Ontario by all members, and the by-laws of the Corporation may provide the necessary rules with respect thereto, but, on the request of any member present, a two-thirds majority vote shall be required to pass any motion.

**Procedure where assessment not confirmed**

(11) If the members fail to confirm an assessment or if two or more members give notice to the board of directors that they question the equity of an assessment and the matter cannot be resolved by the board of directors, the matter shall be referred for decision to a board of three arbitrators, one to be named by the Corporation, one to be named by the Superintendent, and a chairman to be named by a judge of the Supreme Court upon application of the other two arbitrators.

**Powers of arbitrators**  
R.S.O. 1960,  
c. 18

(12) The arbitrators have all the powers of arbitrators under *The Arbitrations Act* and may at any time and from time to time proceed in such manner as they think fit on such notice as they consider reasonable.

**Award**

(13) The award of the arbitrators or of a majority of them shall be made within thirty days of the referral of the matter to them, and such award is final and binding.

**Reports, etc., to Council**

(14) The Corporation shall furnish copies of the minutes of the meetings of its members and of its board of directors to the Council and, in addition, such reports and information as the Council may require from time to time.

**Availability of standard medical services insurance contracts**

5.—(1) Standard medical services insurance contracts shall be made available to residents and their dependants without regard to age, physical or mental infirmity, financial means, or occupation, by every licensed carrier that is not exempt under clause *b* of subsection 2 of section 2.

**Availability of standard co-insurance medical services insurance contracts**

(2) Standard co-insurance medical services insurance contracts shall be made available to residents and their dependants without regard to age, physical or mental infirmity,

financial means, or occupation, by every licensed carrier that is not exempt under clause *b* of subsection 2 of section 2 and that is designated under clause *g* of subsection 5 of section 4.

**6.**—(1) The Minister shall, in accordance with the regulations, <sup>Idem, through Minister</sup>

(a) provide standard medical services insurance contracts for persons of such classes as are designated by the regulations who qualify for total subsidy assistance and who apply therefor; and

(b) provide standard medical services insurance contracts for persons of such classes as are designated by the regulations.

(2) The Minister shall provide standard contracts upon such terms and conditions as to contributions as the regulations provide for persons of such classes, other than those mentioned in subsection 1, as are designated by the regulations and who apply therefor. <sup>Idem, through Minister</sup>

(3) The Minister shall provide the contracts mentioned in subsections 1 and 2 through the Medical Services Insurance Division of the Department of Health. <sup>Source of contracts</sup>

(4) The Medical Services Insurance Division mentioned in subsection 3 shall be deemed to be a licensed carrier, but is excluded from membership in the Corporation and exempted from participation in the pooling requirements of the Corporation. <sup>Status of M.S.I.D.</sup>

**7.**—(1) Any person who is unable to continue payment of his medical services insurance subscriptions because of a lack of income due to unemployment, illness or disability may within the first thirty days of such default make application to the Council for assistance, during the period of unemployment, illness or disability, to continue his medical services insurance contract or towards the purchase of a standard contract. <sup>Assistance in paying premiums</sup>

(2) The Council shall consider applications made under subsection 1 and shall make recommendations to the Minister in accordance with the regulations. <sup>Consideration of applications</sup>

**8.**—(1) In order to carry on business, a carrier must have a licence under this Act. <sup>Licence</sup>

(2) A licensed carrier that is required to provide standard medical services insurance contracts must also be licensed as an insurer under *The Insurance Act* or be registered as an association under *The Prepaid Hospital and Medical Services Act*. <sup>Additional requirement</sup>  
<sup>R.S.O. 1960, cc. 190, 304</sup>

Application  
for licence

(3) An application for a licence under this Act shall be made on a form supplied by the Superintendent, who may grant or refuse to grant the licence.

Appeal from  
a refusal  
to grant  
a licence

(4) Where the Superintendent refuses to grant a licence under this Act, the applicant may appeal to the Council, and thereupon the Council shall hold a hearing and notify the Superintendent and the applicant of its decision, and the Superintendent shall act in accordance therewith.

What  
contracts  
licensed  
carriers  
to sell

**9.**—(1) Licensed carriers, unless exempt under clause *b* of subsection 2 of section 2, shall offer for sale and issue standard medical services insurance contracts and may offer for sale and issue standard co-insurance medical services insurance contracts to persons who are eligible and who apply and pay the subscription therefor.

Application  
for  
exemption

(2) An application by a licensed carrier for exemption from the requirement of providing standard medical services insurance contracts shall be made to the Council on a form supplied by it.

Limited  
areas of  
operation

(3) Notwithstanding subsection 1, a licensed carrier that in the normal course of its business offers for sale and issues medical services insurance only to its own members or to the residents of a particular locality or district may restrict its offer to sell or provide standard contracts to its own members or to the residents of such locality or district.

Suspension  
or cancel-  
lation of  
licences

**10.**—(1) The Superintendent may suspend or cancel the licence under this Act of a carrier if it is not operating in the public interest or if it contravenes any provision of this Act.

Appeal

(2) Any carrier whose licence under this Act is suspended or cancelled by the Superintendent under subsection 1 may appeal to a judge of the Supreme Court, who upon cause shown may make an order directing the Superintendent to remove the suspension or withdraw the cancellation, as the case may be, or may make such other order as he deems proper.

Penalty  
where no  
licence

**11.** Every carrier that carries on business without a licence under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for each day upon which it so carries on.

Penalty for  
failure to  
sell  
standard  
contract

**12.** Every licensed carrier, unless exempt under clause *b* of subsection 2 of section 2, that fails or refuses to sell a standard contract to any resident when requested to do so in accordance with this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

**13.** The subscription for a standard contract shall not exceed the applicable maximum subscription in effect at the date of the application for the contract or its renewal. Subscription

**14.—(1)** Every resident who is not a dependant or, where such a resident is the head of a family and has not applied for a standard contract, his dependent spouse is entitled to have a standard contract issued to him if the application therefor is made and if the subscription therefor is paid during an open enrolment period, and the effective date of such a contract shall be the first day of the month following the closing date of the open enrolment period. Applications during open enrolment period

(2) Every dependent who becomes twenty-one years of age, and every person who qualifies as a resident after the expiration of an open enrolment period, is entitled to apply for a standard contract if the application therefor is made and the subscription therefor is paid within thirty days following the day upon which he so qualifies, and the effective date of such a contract shall be the first day of the month following the date of application and payment of subscription. Application and qualification after open enrolment period

(3) A standard contract issued under this section, No waiting period

(a) shall not provide any waiting period or any limitation of benefits with respect to any pre-existing physical or mental infirmity or condition, save for the exceptions prescribed by the regulations; and

(b) shall provide an eight months waiting period and limitation of benefits with respect to pregnancy, or resulting childbirth or miscarriage, save for such exceptions as are prescribed by the regulations.

**15.—(1)** Where a resident who is not a dependant or his dependent spouse ceases to be covered after the expiration of an open enrolment period under a group medical services insurance contract, and, Transfers from group contracts to standard contracts

(a) where the carrier of the previous insurance is a licensed carrier selling insurance to the public and is not exempt under clause *b* of subsection 2 of section 2, such carrier shall make a standard medical services insurance contract available to such person or, where the carrier is designated under clause *g* of subsection 5 of section 4, shall make available a standard co-insurance medical services insurance contract to such person, which contract shall become effective as of the date of termination of the previous insurance, provided application is made and the subscription is paid within thirty days of such date of termination; or Idem

(b)



Idem

- (b) where the carrier of the previous insurance is a licensed carrier as described in subsection 3 of section 9 and is not exempt under clause *b* of subsection 2 of section 2, such carrier shall make a standard medical services insurance contract available to such person or, where the carrier is designated under clause *g* of subsection 5 of section 4, shall make available a standard co-insurance medical services insurance contract, which contract shall become effective as of the date of termination of the previous insurance, provided application is made and the subscription is paid within thirty days of such date of termination; or

Extension of group coverage

- (c) where the carrier of the group medical services insurance contract is exempt under clause *b* of subsection 2 of section 2, such carrier shall, upon the request of the covered person given within thirty days of the date of termination of the contract, extend the coverage of the group medical services insurance contract until an open enrolment period occurs.

Waiting periods upon transference

- (2) All waiting periods and limitation of benefits under a standard contract issued by the licensed carrier of the previous insurance pursuant to this section shall be calculated from the effective date of coverage of the covered person under the previous insurance.

Applications after open enrolment period

- 16.**—(1) Where the application of a person entitled to apply under section 14 or 15 is not made and the subscription therefor is not paid within the period mentioned therein, such person may apply for a standard contract at any time, and, upon payment of the subscription, a contract shall be issued to such person, which shall become effective three months following the date of such application and payment.

Waiting period

- (2) A standard contract issued under subsection 1 shall provide that no benefit will accrue for medical, surgical or obstetrical care or services rendered to a covered person during the five months immediately following the effective date of the contract if the costs of such service arise from pregnancy or resulting childbirth or miscarriage or conditions that result directly or indirectly therefrom, except such conditions as are prescribed by the regulations.

Reasons for cancellation of standard contract by carrier

- 17.**—(1) Except as provided in section 21, a standard contract may be cancelled by a licensed carrier only,

- (a) for misrepresentation or fraud as to a material fact;

(b)



(b) for non-payment of the subscription;

(c) where the covered person ceases to be a resident, in which event coverage terminates ninety days after the date of ceasing to be a resident; or

(d) for misuse of services for which benefits are provided.

(2) A covered person whose standard contract is cancelled under clause *a*, *c* or *d* of subsection 1 may appeal to the Council as provided in the regulations, and, where an appeal is taken, the cancellation is not effective until the Council has given its decision. Right of appeal to Council

(3) In the notice of cancellation, the carrier shall advise the covered person of his right to appeal the cancellation to the Council. Carrier to advise as to right of appeal

**18.—**(1) No licensed carrier shall charge a subscription rate under a standard contract in excess of the applicable maximum subscription rate prescribed by the regulations. Maximum subscription rates

(2) For the period of two years after the day on which this Act comes into force, the prescribed maximum subscription rates for a standard contract shall remain constant and shall be on the basis of one rate for an individual, one rate for a family of two, and one rate for a family of three or more. Idem, first two years

(3) After the period mentioned in subsection 2, the Corporation may not more often than once in any twelve-month period recommend an adjustment of the maximum subscription rates. Adjustment of maximum subscription rates after two-year period

(4) The Corporation shall give its members at least ninety days notice in writing before any change in the maximum subscription rates becomes effective. Notice of change in maximum subscription rates

**19.—**(1) Any licensed carrier may from time to time, but not more often than once in any twelve-month period, adjust its subscription rates in respect of standard contracts in accordance with its normal business practice, but any such adjustment shall be on a class-risk basis and not on an individual or family basis and shall in no event exceed the maximum subscription rates for the time being in force. Adjustment of subscription rates

(2) A licensed carrier that has adjusted its subscription rates under subsection 1 shall notify its holders of standard contracts of such adjustment in the manner designated by the regulations. Notice of adjustment of subscription rates

**20.—**(1) Subject to subsection 2, the benefits under a standard contract during the period of two years after the day O.M.A. schedule of fees

on which this Act comes into force shall be the Ontario Medical Association's schedule of fees in effect on the day on which this Act comes into force, and thereafter shall be the schedule of fees of that Association in effect from time to time.

Amount  
of benefits

(2) The amount of the benefits referred to in subsection 1 shall be the fees set forth in the Ontario Medical Association's schedule of fees for practice in general, including the referral of a covered person by his physician to another physician, except,

(a) where there is a referral of the covered person to a certified specialist by another physician; or

(b) where there is no fee set forth in the Ontario Medical Association's schedule of fees for practice in general,

and in the cases mentioned in clauses *a* and *b* the Ontario Medical Association's schedule of fees for certified specialists applies.

Interpre-  
tation

(3) In this section, "certified specialist" and "referral" have the meanings given them by the regulations.

Cancellation  
of contracts  
where  
carrier  
going out  
of business

**21.—**(1) Any licensed carrier may, upon giving sixty days notice in writing to the Superintendent, the Council, the Corporation and the covered person in the manner prescribed in the contract, cancel all but not part of its medical services insurance contracts, other than those contracts which by their terms are either non-cancellable or guaranteed renewable.

Carrier to  
renew or  
to reinsure  
non-  
cancellable  
or  
guaranteed  
renewable  
contracts

(2) Any licensed carrier that has in force, in addition to standard contracts, medical services insurance contracts that by their terms are either non-cancellable or guaranteed renewable shall not cancel such medical services insurance contracts under subsection 1, but shall renew such contracts according to their tenor, unless the licensed carrier has fully re-insured the liability under such medical services insurance contracts with an insurer licensed under *The Insurance Act*.

R.S.O. 1960,  
c. 190

Cancellation  
of licence

(3) Upon the expiry of the period of sixty days mentioned in subsection 1, the licence issued to the carrier under this Act is cancelled.

Rights to  
other  
insurance

(4) Any licensed carrier that cancels its medical services insurance contracts under subsection 1 or that cancels a medical services insurance contract for any reason other than those specified in section 17 shall, in the notice of cancellation given thereunder, state that the covered persons may, within a period of sixty days from the date of the notice, make application to any other licensed carrier for a standard contract,

and

and such other licensed carrier, unless exempt under clause *b* of subsection 2 of section 2, shall, upon receipt of the application and the subscription therefor, issue a standard contract, and the waiting period and limitation of benefits with respect thereto shall be calculated from the effective date of coverage of the covered person under the prior medical services insurance contract.

(5) Notwithstanding anything in this Act, any licensed carrier that cancels its medical services insurance contracts under subsection 1 remains, subject to receipt of proper notice and proof of claim within the times prescribed in the contract, liable to the date of cancellation for all benefits to which a covered person is entitled under the contract to the date of cancellation, and the licensed carrier shall refund on a *pro rata* basis any unearned subscription. Carrier's liability

**22.** Every standard contract shall provide that, where a covered person makes a claim and at the time the claim arose he had in force any other contract providing benefits for medical expenses that were covered by the standard contract, the amount of benefits under the standard contract will be reduced by the amounts of benefits payable under such other contract. Coverage under more than one contract

**23.** Where a person is covered by a standard contract and received or is to be compensated for medical or surgical care or services under any enactment of this Legislature or of any other jurisdiction, he is not entitled to benefit under such standard contract to the extent that he received or is to be compensated for such care or services under such enactment. Coverage under standard contract and by statute

**24.** A licensed carrier is subrogated to any right of a covered person to receive from any other person the benefits paid by the licensed carrier, and such licensed carrier may bring an action in the name of the covered person to enforce any such right. Subrogation of licensed carrier

**25.** No licensed carrier shall, under a standard contract, interfere with the right of a covered person to choose his own physician or impose an obligation upon a physician to treat any covered person. Non-interference with selection of physicians

**26.** In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. Conflict

**27.** The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys that are appropriated by the Legislature for the purposes of this Act. Moneys for purposes of Act

Regulations **28.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the grounds upon which the Council may recommend exemptions from the requirements of providing standard medical services insurance contracts;
- (b) prescribing additional functions of the Council;
- (c) designating the classes of persons mentioned in section 6 and regulating the provision by the Minister of standard medical services insurance contracts for persons of the relevant designated classes and regulating the contribution of the Minister to standard contracts for persons of the relevant designated classes;
- (d) respecting recommendations to the Minister by the Council under subsection 2 of section 7;
- (e) prescribing the exceptions referred to in subsection 3 of section 14;
- (f) prescribing the conditions referred to in subsection 2 of section 16;
- (g) respecting the appeal provided in subsection 2 of section 17;
- (h) prescribing maximum subscription rates;
- (i) prescribing the manner in which the notice referred to in subsection 2 of section 19 shall be given;
- (j) defining the terms "certified specialist" and "referral" as used in subsection 3 of section 20;
- (k) prescribing limitations on benefits under standard contracts;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**29.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**30.** This Act may be cited as *The Medical Services Insurance Act, 1965*.



## SCHEDULE A

## STANDARD MEDICAL SERVICES INSURANCE CONTRACT

The benefits provided by this Standard Medical Services Insurance Contract to a covered person shall be the payment for necessary personal professional services of a physician, wherever rendered, or the performance of such services, as the case may be, unless limited or excepted under this Act or under this Schedule.

*Limitations as prescribed by the regulations:*

1. Annual health examinations.
2. Well-baby care.
3. Psychotherapy.

*Exceptions:*

1. (a) Services that a covered person is entitled to receive under *The Workmen's Compensation Act* or similar legislation in any other jurisdiction.
- (b) Services that a covered person receives under any Act of this Legislature or under any enactment of any other jurisdiction.
- (c) Services for which no charge would be made in the absence of insurance.
2. (a) Laboratory and other diagnostic procedures rendered as hospital services to the extent that these are provided for under the plan of hospital care insurance under *The Hospital Services Commission Act*, and laboratory services and clinical pathology other than those authorized or ordered by a physician, billed by a physician, and performed under the direction of a physician, subject to any limitations imposed by the regulations.
- (b) Dental care for dental purposes, including X-ray and anaesthetist services; nursing services; ambulance services; dressings and cast materials; use of operating, plaster or fracture rooms; drugs, vaccines, biological sera or extracts or their synthetic substitutes; eye glasses; special appliances; oxygen; physical therapy and other similar treatments.
3. Physician's services rendered to a covered person where the physician is paid to provide the services.
4. Services with respect to conditions that, in the opinion of a physician, are not detrimental to the health of a covered person, including services for cosmetic purposes only.
5. Expenses for travelling time or mileage.
6. Advice by telephone.
7. (a) Any services or examinations for the purpose of,
  - (i) an application for insurance or under a requirement for keeping insurance in force,
  - (ii) an application for admission to or continuance at or in a school, college, university, camp or an association,

(iii)



- (iii) employment, or the continuance of employment, or pursuant to the request of an employer or other person in authority,
  - (iv) a passport, visa or other similar document.
  - (b) Any similar examinations other than for the health of the person covered.
8. Group inoculation or inoculations pursuant to a statute or by-law or regulation thereunder.
  9. Examination of the eyes by refraction.
  10. Services rendered by a physician pursuant to an arrangement for rendering services to the employees of an employer or to members of an association.

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## SCHEDULE B

### STANDARD CO-INSURANCE MEDICAL SERVICES INSURANCE CONTRACT

The benefits provided by this Standard Co-insurance Medical Services Insurance Contract to a covered person shall be the payment of 80% of the benefits provided in Schedule A of the excess over \$25 (deductible) per covered person, or \$50 (deductible) per family, in any calendar year for the necessary personal professional services of a physician, wherever rendered, or the performance of such services, as the case may be, unless limited or excepted under this Act or under Schedule A.

CHAPTER 71

An Act to amend The Mental Hospitals Act

Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 19 of *The Mental Hospitals Act*, as amended by R.S.O. 1960, c. 236, s. 19, section 3 of *The Mental Hospitals Amendment Act, 1962-63*, is amended further amended by striking out “Any person who is mentally ill may be admitted to an institution as a voluntary patient, and” in the first and second lines, so that the section, exclusive of the clauses, shall read as follows:

19. Any person who is mentally ill or mentally defective <sup>Who may be admitted</sup> may be admitted to an institution as,

. . . . .

2. Section 21 of *The Mental Hospitals Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 236, s. 21, re-enacted</sup>

21.—(1) Notwithstanding any provision of this Act, the superintendent of an institution may, upon the application of a medical practitioner, admit as an informal patient any person who is or is believed to be in need of the observation, care and treatment provided in the institution. <sup>Informal patients</sup>

(2) The application of a medical practitioner under subsection 1 shall be accompanied by his recommendation based upon his examination of the person sought to be admitted. <sup>Examination required</sup>

(3) Nothing in this Act shall be deemed to prevent an informal patient from leaving at any time an institution in which he is a patient. <sup>Right to leave</sup>

3. Subsection 1 of section 27 of *The Mental Hospitals Act* is amended by striking out “subsection 2 of” in the first line, by striking out “mentally ill” in the second line and by striking <sup>R.S.O. 1960, c. 236, s. 27, subs. 1, amended</sup>

out "a voluntary" in the second and third lines and inserting in lieu thereof "an informal", so that the subsection shall read as follows:

Certifica-  
tion of  
patient

- (1) Notwithstanding anything in section 21, any person who has been admitted as an informal patient or a habituate patient, or any person admitted under section 22 or 38, or any person detained under section 57, may be continued as a certificated patient upon the certificate of two medical practitioners with the accompanying history record in the prescribed form.

R.S.O. 1960,  
c. 236, s. 44,  
repealed

4. Section 44 of *The Mental Hospitals Act* is repealed.

R.S.O. 1960,  
c. 236,  
amended

5. *The Mental Hospitals Act* is amended by adding thereto the following section:

Continua-  
tion as  
informal  
patient

- 46a. Where a patient has been discharged under section 45 or 46, he may be continued as an informal patient under section 21 upon his own request or the request of a relative or friend.

R.S.O. 1960,  
c. 236, s. 49,  
re-enacted

6. Section 49 of *The Mental Hospitals Act*, as amended by section 6 of *The Mental Hospitals Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Admission  
of habitues

49. The superintendent of an institution may admit an habitue to the institution as an informal patient, and section 21 applies *mutatis mutandis* to such person.

R.S.O. 1960,  
c. 236, s. 81,  
re-enacted

7. Section 81 of *The Mental Hospitals Act* is repealed and the following substituted therefor:

Where  
committee  
appointed  
other than  
Public  
Trustee

81. If prior to or at the time a person is admitted as a patient in an institution some person other than the Public Trustee has been appointed to be the committee of the estate of the person, the Public Trustee shall not in such case be the committee unless he is subsequently appointed as such by the Supreme Court.

R.S.O. 1960,  
c. 236, s. 82,  
amended

8. Section 82 of *The Mental Hospitals Act* is amended by striking out "by the Supreme Court" in the third line, so that the section shall read as follows:

Appoint-  
ment of  
Public  
Trustee  
instead of  
committee  
under  
R.S.O. 1960,  
c. 237

82. Notwithstanding that under *The Mental Incompetency Act* some person other than the Public Trustee has been appointed as the committee of the estate of a patient in an institution, the Supreme Court may at any time upon the application of the Public

Trustee appoint him as committee in the place and stead of the person theretofore appointed, and on appointment the Public Trustee has and may exercise all the rights and powers conferred upon him by this Act with regard to the management of patients estates.

**9.**—(1) Clause *a* of section 83 of *The Mental Hospitals Act*, R.S.O. 1960, c. 236, s. 83 (1962-63, c. 81, s. 10), cl. *a*, re-enacted as re-enacted by section 10 of *The Mental Hospitals Amendment Act*, 1962-63, is repealed and the following substituted therefor:

(a) an informal patient;

(aa) an habitue admitted under section 49.

(2) The said section 83 is amended by adding thereto the following subsection: R.S.O. 1960, c. 236, s. 83 (1962-63, c. 81, s. 10), amended

(2) Where the Public Trustee was committee of the estate of a person continued as an informal patient under section 46*a* immediately prior to the discharge of that patient under section 45 or 46, the Public Trustee shall continue to be committee if the superintendent of the institution certifies in writing to the Public Trustee that he is of the opinion that the patient is not competent to manage his affairs. Exception

**10.** Section 84 of *The Mental Hospitals Act* is amended by striking out "If the Supreme Court at any time appoints a committee of the estate of a patient under *The Mental Incompetency Act*" in the first, second and third lines and inserting in lieu thereof "If at any time a committee of the estate of a patient is appointed under *The Mental Incompetency Act*", so that the section shall read as follows: R.S.O. 1960, c. 236, s. 84, amended

84. If at any time a committee of the estate of a patient is appointed under *The Mental Incompetency Act*, the Public Trustee thereupon ceases to be committee, and shall account for and transfer to the committee so appointed the estate of the patient that has come into his hands, retaining, however, so much as is due for the maintenance of the patient. Appointment of committee by court R.S.O. 1960, c. 237

**11.** Section 87 of *The Mental Hospitals Act* is amended by striking out "judge of the Supreme Court" in the fourth line and inserting in lieu thereof "judge of the court in which the action is intended to be brought", so that the section shall read as follows: R.S.O. 1960, c. 236, s. 87, amended

Where  
no action  
without  
leave

87. No person, other than the Public Trustee, shall bring an action as next friend of a person of whose estate the Public Trustee is committee under this Act or an order made under this Act without the leave of a judge of the court in which the action is intended to be brought, and the Public Trustee shall be served with notice of the application for such leave.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title

**13.** This Act may be cited as *The Mental Hospitals Amendment Act, 1965*.



## CHAPTER 72

## The Milk Act, 1965

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## INTERPRETATION

**1.** In this Act,Interpre-  
tation

1. "agreement" means an agreement made under the Act or the regulations;
2. "award" means an award made by the Commission or by an arbitrator or board of arbitration under the regulations;
3. "cheese factory" means premises in which milk is processed into cheese;
4. "Commission" means The Milk Commission of Ontario;
5. "concentrated milk plant" means a plant in which milk or cream is processed into a milk product other than butter or cheese or a fluid milk product;
6. "creamery" means premises in which milk or cream is processed into creamery butter;
7. "cream receiving station" means premises at which cream is received for the purpose of being transported to a creamery;
8. "dairy" means premises in which milk is processed into fluid milk products;
9. "distributor" means a person engaged in selling or distributing fluid milk products directly or indirectly to consumers;

10. "field-man" means a field-man appointed for the purposes of this Act;
11. "fluid milk products" means the classes of milk and milk products processed from grade A milk and designated as fluid milk products in the regulations;
12. "grade A milk" means milk designated as grade A milk in the regulations;
13. "industrial milk" means milk designated as industrial milk in the regulations;
14. "licence" means a licence provided for under this Act or the regulations;
15. "marketing" means buying, selling and offering for sale, and includes advertising, assembling, storing, distributing, financing, packing and shipping and transporting in any manner by any person, and "market" and "marketed" have corresponding meanings;
16. "marketing board" means a board constituted under a plan;
17. "milk" means milk from cows;
18. "milk product" means any product processed or derived in whole or in part from milk, and includes cream, butter, cheese, cottage cheese, condensed milk, milk powder, dry milk, ice cream, ice cream mix, casein, malted milk, sherbet and such other products that are designated as milk products in the regulations;
19. "milk receiving station" means premises at which milk is received for the purpose of being transported to a cheese factory, concentrated milk plant, creamery or dairy;
20. "Minister" means the Minister of Agriculture;
21. "plan" means a plan that is in force under this Act to provide for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof;
22. "plant" means a cheese factory, concentrated milk plant, cream receiving station, creamery, dairy or milk receiving station;

23. "processing" means heating, pasteurizing, evaporating, drying, churning, freezing, separating into component parts, combining with other substances by any process or otherwise treating milk or cream in the manufacture or preparation of milk products or fluid milk products;
24. "processor" means a person engaged in the processing of milk products or fluid milk products;
25. "producer" means a producer of milk, cream or cheese;
26. "reconstituted milk" means milk designated as reconstituted milk in the regulations;
27. "regulated product" means milk, cream or cheese, or any combination thereof, in respect of which a plan is in force;
28. "regulations" means the regulations made under this Act;
29. "transporter" means a person transporting milk or cream. R.S.O. 1960, c. 239, s. 1, *amended*.

#### PURPOSE OF ACT

**2.** The purpose and intent of this Act is to provide for the <sup>Purpose</sup> control and regulation in any or all respects of, <sub>of Act</sub>

- (a) the marketing within Ontario of milk, cream or cheese, or any combination thereof, including the prohibition of such marketing in whole or in part; and
- (b) the quality of milk, milk products and fluid milk products within Ontario. *New*.

#### THE MILK COMMISSION OF ONTARIO

**3.—(1)** There is hereby established a commission to be <sup>Milk</sup> known as The Milk Commission of Ontario as a body cor- <sub>Commission</sub> <sup>established</sup> porate responsible to the Minister.

(2) The Commission shall be composed of not fewer than <sup>Composition</sup> three members who shall be appointed by and hold office during the pleasure of the Lieutenant Governor in Council.

Chairman,  
vice-  
chairman

(3) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(4) A majority of the members of the Commission constitutes a quorum whether or not a vacancy exists in the membership.

Vacancies

(5) Vacancies in the membership of the Commission caused by death, resignation or otherwise may be filled by the Lieutenant Governor in Council.

Remunera-  
tion and  
expenses

(6) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council determines.

Staff

(7) The Lieutenant Governor in Council may appoint such officers, field-men and other employees as he deems necessary for the conduct of the affairs of the Commission.

No personal  
liability

(8) No member of the Commission and no officer, field-man or other employee of the Commission is personally liable for anything done by him in good faith under or purporting to be under the authority of this Act or the regulations. *New.*

Powers and  
duties

4.—(1) The Commission shall exercise such powers and perform such duties as are conferred or imposed upon it by or under this Act.

Idem

(2) Without limiting the generality of subsection 1, the Commission may,

- (a) upon its own initiative or upon complaint, inquire into any matter relating to the production, processing or marketing of milk or milk products;
- (b) investigate, arbitrate, adjust or otherwise settle any dispute between persons engaged in producing, processing or marketing milk or milk products, or between any two classes of such persons;
- (c) investigate the cost of producing, processing and marketing any milk or milk product, prices, price spreads, trade practices, methods of financing, management policies and other matters relating to the producing, processing or marketing of milk and milk products;
- (d) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Commission or marketing board;

(e)

- (e) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Commission or marketing board determines;
- (f) appoint persons to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product;
- (g) stimulate, increase and improve the marketing of milk and milk products by such means as it deems proper;
- (h) co-operate with a marketing board or a marketing agency of Canada or of any province of Canada for the purpose of marketing any regulated product;
- (i) after a hearing, prohibit a person engaged in marketing a regulated product from terminating or varying, without just cause, the marketing of the regulated product;
- (j) authorize any officer or field-man to exercise such of its powers as it deems necessary and to report thereon to the Commission;
- (k) take such action and make such orders and issue such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any agreement or award.

(3) Upon any inquiry, arbitration or investigation under subsection 2, the Commission has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers of inquiry, etc.  
R.S.O. 1960,  
c. 323

(4) The Commission may delegate to a marketing board such of its powers under subsection 2 as it deems necessary and may at any time terminate any such delegation. Delegation of powers

(5) The Commission may make regulations, Regulations with respect to filings, annual statements, etc.

- (a) providing for the filing with the Commission by each marketing board of true copies of,

- (i) minutes of all meetings of the marketing board,

- (ii) all by-laws of the marketing board,

(iii)



- (iii) all orders, directions and regulations of the marketing board,
  - (iv) all reports of annual operations of the marketing board,
  - (v) all annual financial statements and audited reports of the marketing board, and
  - (vi) such further information, statements and reports as the Commission requires from the marketing board;
- (b) providing for,
- (i) the furnishing to producers of a regulated product of copies of the annual statement of operations and the financial report of the marketing board, and
  - (ii) the publication of the annual statement of operations and the financial report of each marketing board;
- (c) providing for the manner in which and fixing the times at which, or within which, copies of minutes, orders, directions, regulations, reports and statements shall be filed with the Commission, furnished to producers or published, as the case may be, under clause *a* or *b*. *New.*

**Powers of  
field-men**

**5. Every field-man may,**

- (a) enter any premises or conveyance used for the producing, processing or marketing of milk or milk products and inspect any equipment, milk or milk products found therein;
- (b) stop any conveyance that he believes may contain any milk or milk product and inspect the conveyance and any milk or milk product found therein;
- (c) obtain a sample of any milk or milk product at the expense of the owner for the purpose of making an inspection thereof;
- (d) require the production or furnishing of copies of or extracts from any books, records or documents of persons engaged in the producing, processing or marketing of milk or milk products. R.S.O. 1960, c. 239, s. 11 (4), *amended*.

6.—(1) Where the Commission receives from a group of producers in Ontario or any part thereof a petition or request that a plan be established for the control and regulation of the marketing of milk, cream or cheese, or any combination thereof, and the Commission is of the opinion that the group of producers is representative of the producers affected by the proposed plan, the Commission may recommend the establishment of such a plan to the Minister. 1960-61, c. 56, s. 4 (1), *amended*. Petition  
for a plan

(2) Where the Commission receives from a marketing board a request that amendment be made to the plan or to regulations under the plan under which the marketing board is constituted, the Commission may recommend such amendment to the Minister. R.S.O. 1960, c. 239, s. 6 (5), *amended*. Request  
for amend-  
ment

7.—(1) Notwithstanding section 6, the Lieutenant Governor in Council may make regulations, Regulations  
with respect  
to plans and  
marketing  
boards

- (a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, cream or cheese, or any combination thereof, and constituting marketing boards to administer such plans;
- (b) defining any word or words for the purposes of any plan;
- (c) giving to any marketing board any or all of the powers that are vested in a co-operative corporation incorporated under Part V of *The Corporations Act*, as amended or re-enacted from time to time, and providing that in the exercise of such powers the members of the marketing board shall be deemed to be the shareholders and the directors thereof; R.S.O. 1960,  
c. 71
- (d) prescribing by-laws for regulating the conduct of the affairs of the Commission;
- (e) prescribing by-laws for regulating the government of marketing boards and the conduct of their affairs, but any marketing board may make by-laws not inconsistent with this Act, with regulations made under this clause or with regulations made under the plan under which the marketing board is constituted, as amended from time to time;
- (f) notwithstanding any other Act, providing for,
  - (i) the carrying out by the Commission or a trustee of any or all of the powers of a marketing board,

- (ii) the vesting of the assets of a marketing board in the Commission or a trustee, and
- (iii) the disposing of any or all of the assets of a marketing board in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing board, the regulation prevails;

- (g) dissolving a marketing board on such terms and conditions as he deems proper and providing for the disposition of its assets. R.S.O. 1960, c. 239, s. 7 (1); 1960-61, c. 56, s. 5 (1, 2), *amended*.

Application  
of plans

- (2) A plan may apply to,

- (a) all of Ontario or to any area within Ontario;
- (b) milk, cream or cheese, or any combination thereof; and
- (c) any or all persons engaged in producing, processing or marketing the product or products under clause *b* to which the plan applies. R.S.O. 1960, c. 239, s. 7 (2); 1960-61, c. 56, s. 5 (3), *amended*.

Method of  
choosing, etc.,  
members of  
marketing  
boards

- (3) The method by which the members of any marketing board shall be appointed, elected or chosen and the application of the plan shall be set out in the plan under which the marketing board is constituted.

Marketing  
boards are  
bodies  
corporate

- (4) Every marketing board is a body corporate.

Acts of  
members  
valid

- (5) The acts of a member or an officer of a marketing board are valid notwithstanding any defects that may afterwards be discovered in his qualifications and his appointment, election or choosing. R.S.O. 1960, c. 239, s. 7 (3-5), *amended*.

No  
personal  
liability

- (6) No member of a marketing board or any of its officers or employees is personally liable for anything done by it or by him in good faith under or purporting to be under the authority of this Act or the regulations. *New*.

Regulations  
with respect  
to regulated  
products

- 8.—(1) The Commission may make regulations with respect to regulated products generally or to any regulated product, and, without limiting the generality of the foregoing, may make regulations,

1. providing for the licensing of any or all persons before commencing or continuing to engage in the producing, processing or marketing of a regulated product;
2. prohibiting persons from engaging in the producing, processing or marketing of any regulated product, except under the authority of a licence;
3. providing for the refusal to issue a licence to commence to engage in the producing, processing or marketing of a regulated product where the applicant is not qualified by experience, financial responsibility or equipment to properly engage in the business for which the application was made, or for any other reason that the Commission deems proper;
4. providing for the suspension or revocation of, or the refusal to issue or renew, a licence to continue to engage in the producing, processing or marketing of a regulated product, for failure to observe, perform or carry out the provisions of this Act, the regulations, any plan or any order or direction of the Commission or marketing board;
5. providing for the fixing of licence fees payable yearly, half-yearly, quarterly or monthly at different amounts or in instalments from any or all persons producing or marketing a regulated product, and the collecting of the licence fees and the recovering of such licence fees by suit in any court of competent jurisdiction;
6. requiring any person who receives a regulated product from a producer to deduct from the moneys payable to the producer any licence fees payable by the producer to the marketing board and to pay such licence fees to the marketing board;
7. requiring any person who produces and processes a regulated product to furnish to the Commission or to the marketing board statements of the amounts of the regulated product that he produced in any year and used for processing;
8. prescribing the form of licences;
9. providing for the exemption from any or all of the regulations under any plan of any class, variety, grade or size of regulated product or of any person

- or class of persons engaged in the producing or marketing of the regulated product or any class, variety, grade or size of regulated product;
10. requiring the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product, and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;
  11. providing for,
    - i. the marketing of a regulated product on a quota basis,
    - ii. the fixing and allotting to persons of quotas for the marketing of a regulated product on such basis as the Commission deems proper,
    - iii. the refusing to fix and allot to any person a quota for the marketing of a regulated product for any reason that the Commission deems proper,
    - iv. the cancelling or reducing of, or the refusing to increase, a quota fixed and allotted to any person for the marketing of a regulated product for any reason that the Commission deems proper, and
    - v. the terms and conditions upon which a person may market a regulated product in excess of the quota fixed and allotted to him;
  12. prohibiting,
    - i. any person to whom a quota has not been fixed and allotted for the marketing of a regulated product or whose quota has been cancelled from marketing any of the regulated product, and
    - ii. any person to whom a quota has been fixed and allotted for the marketing of a regulated product from marketing any of the regulated product in excess of such quota;
  13. providing for the control and regulation of the marketing of any regulated product, including the times and places at which the regulated product may be marketed;
  14. determining the quantity of each class, variety, grade or size of the regulated product that shall be marketed by each producer;



15. providing for the control and regulation of agreements entered into by producers of a regulated product with persons engaged in marketing or processing the regulated product, and the prohibition of any provision or clause in such agreements;
16. authorizing a marketing board to determine from time to time the price or prices that shall be paid for the regulated product or any class, variety, grade or size of the regulated product, and to determine different prices for different parts of Ontario;
17. providing for the fixing, imposing and collecting of service charges from time to time for the marketing of the regulated product;
18. authorizing a marketing board to pay from service charges imposed under paragraph 17 its expenses in carrying out the purposes of the plan;
19. authorizing a marketing board to use any class of licence fees and other moneys payable to it for the purposes of paying the expenses of the marketing board, carrying out and enforcing this Act and the regulations and carrying out the purposes of the plan under which the marketing board is constituted;
20. authorizing a marketing board to establish a fund in connection with the plan for the payment of any moneys that may be required for the purposes mentioned in paragraph 19;
21. notwithstanding any other Act, providing that no marketing board shall make grants or other like payments of money to any person or association or body of persons without the approval of the Commission;
22. providing for the establishment, in connection with any plan, of advisory committees that may be empowered to advise and make recommendations to the marketing board or to any person or organization represented on the committee in respect of,
  - i. the promotion of harmonious relationships between persons engaged in the producing and marketing of the regulated product,
  - ii. the promotion of greater efficiency in the producing and marketing of the regulated product,

- iii. the prevention and correction of irregularities and inequities in the marketing of the regulated product,
  - iv. the improvement of the quality and variety of the regulated product,
  - v. the improvement of the circulation of market information respecting the regulated product,
  - vi. without limiting the generality of any of the foregoing, any matter with respect to which the Commission or the marketing board may be empowered to make regulations under this Act;
23. determining the constitution of such advisory committees, and regulating the practice and procedure of such committees;
24. providing for the establishment, in connection with any plan, of negotiating agencies that may be empowered to adopt or settle by agreement,
- i. the minimum prices for the regulated product or for any class, variety, grade or size of the regulated product,
  - ii. the terms, conditions and forms of agreements relating to the producing or marketing of the regulated product,
  - iii. any charges, costs or expenses relating to the producing or marketing of the regulated product;
25. providing for the establishment, in connection with any plan, of a conciliation board that may be empowered,
- i. to endeavour to effect agreement on any matter referred to in paragraph 24 that a negotiating agency has failed to adopt or settle by agreement, and
  - ii. to recommend adoption of any agreement effected under subparagraph i to such negotiating agency;

26. providing for the arbitration by the Commission or by a board of arbitration of any matter not adopted or settled by agreement under paragraph 24;
27. providing for the arbitration by the Commission or by an arbitrator or by a board of arbitration of any dispute arising out of any agreement adopted or settled under paragraph 24 or any award made under paragraph 26;
28. determining the constitution of such negotiating agencies, conciliation boards and boards of arbitration, providing for the appointment of arbitrators, and regulating the practice and procedure of such agencies, boards and arbitrators;
29. requiring that no charges, costs or expenses relating to the producing or marketing of a regulated product shall be made, other than such charges, costs or expenses as are provided for in the agreement or award or re-negotiated agreement or award in force for the marketing of the regulated product;
30. prescribing the form of agreements filed with the Commission;
31. providing that the regulated product shall be marketed by, from or through the marketing board, and prohibiting any person from marketing any of the regulated product except by, from or through the marketing board;
32. authorizing any marketing board to prohibit the marketing of any class, variety, grade or size of any regulated product;
33. requiring any person who produces a regulated product to offer to sell and to sell the regulated product to or through the marketing board constituted to administer the plan under which the regulated product is regulated;
34. prohibiting any person from processing, packing or packaging any of the regulated product that has not been sold to, by or through the marketing board constituted to administer the plan established for the control and regulation of the marketing of the regulated product;
35. authorizing any marketing board to require the price or prices of the regulated product to be paid to or

through

through the marketing board, and to recover such price or prices by suit in a court of competent jurisdiction;

36. authorizing a marketing board to purchase or otherwise acquire such quantity or quantities of the regulated product as the marketing board deems advisable and to sell or otherwise dispose of such quantity or quantities of the regulated product so purchased or otherwise acquired;
37. authorizing any marketing board to conduct a pool or pools for the distribution of all moneys received from the sale of the regulated product, and requiring such marketing board, after deducting all necessary and proper disbursements and expenses, to distribute the remainder of the moneys received from the sale in such manner that every producer receives a share of the remainder of the moneys received from the sale in relation to the amount, class, variety, grade and size of the regulated product delivered by him, and authorizing such marketing board to make an initial payment on delivery of the regulated product and subsequent payments until all the remainder of the moneys received from the sale is distributed to the producers;
38. providing for statements to be given by any marketing board to producers showing the class, variety, grade or size and the quantity of the regulated product marketed, the price or prices paid and the particulars of the service charges imposed by the marketing board;
39. designating as a milk product any product processed or derived in whole or in part from milk;
40. providing for the carrying out of any plan declared by the Lieutenant Governor in Council to be in force;
41. providing for the holding of a plebiscite of producers upon a question of favour of a plan or amendment of a plan or any matter respecting the marketing of a regulated product;
42. providing for the holding of public hearings on matters respecting the operation of any plan or the holding of a plebiscite of producers;
43. authorizing any marketing board to appoint agents, to prescribe their duties and terms and conditions of employment, and to fix their remuneration and provide for the payment thereof;

44. providing for the making of agreements relating to the marketing of any regulated product by or through a marketing board, and prescribing the forms and the terms and conditions of such agreements;
45. providing for the making of such orders and the issuing of such directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations, any plan or any order or direction of the Commission or of a marketing board. R.S.O. 1960, c. 239, s. 8 (1); 1960-61, c. 56, s. 6; 1962-63, c. 82, s. 2; 1964, c. 61, s. 2 (1), *amended*.

(2) Every agreement made under paragraph 24 of sub-section 1 and every award made under paragraph 26 or 27 of subsection 1, and every agreement or award re-negotiated under clause *b* of this subsection, Agreements and awards

- (a) shall be filed with the Commission forthwith after the making thereof, and the Commission may, notwithstanding any defect in the establishment of the negotiating agency or of the board of arbitration, as the case may be, by order declare the agreement or award, or re-negotiated agreement or award, or part thereof, to come into force on the day it is so filed or on such later date as is named in the agreement or award or re-negotiated agreement or award, as the case may be, and, subject to clause *b*, to remain in force for one year or for such period as is provided in the agreement or award or re-negotiated agreement or award; and
- (b) may at any time upon an order of the Commission be re-negotiated in whole or in part in such manner as the Commission determines.

(3) *The Regulations Act* does not apply to any order of the Commission made under subsection 2. R.S.O. 1960, c. 349, not to apply

(4) Any regulation made under this section may be limited as to time and place. R.S.O. 1960, c. 239, s. 8 (2-4), *amended*. Limited effect

(5) An agreement filed with the Commission under subsection 2 shall be in the form prescribed by the regulations, and the Commission may refuse to file an agreement that is not in such form. 1964, c. 61, s. 2 (2), *amended*. Form of agreement

(6) The Commission may delegate to a marketing board such of its powers under subsection 1 as it deems necessary, and may at any time terminate any such delegation. R.S.O. 1960, c. 239, s. 8 (5), *amended*. Delegation of powers to marketing boards



Limitations  
on powers,  
etc., of  
marketing  
boards

(7) Where the Commission delegates to a marketing board any of its powers to promote, control and regulate the marketing of a regulated product, the Commission may at any time,

- (a) limit the powers of the marketing board in any or all respects; and
- (b) revoke any regulation, order or direction of the marketing board made or purporting to be made under such powers. R.S.O. 1960, c. 239, s. 10, *amended*.

Other  
powers of  
Commission  
with respect  
to market-  
ing boards

(8) The Commission may require any marketing board,

- (a) to furnish to the Commission particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;
- (b) to carry out any purpose of the plan that the Commission deems necessary or advisable;
- (c) to vary any purpose of the plan as the Commission deems necessary or advisable; and
- (d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Commission deems unnecessary or inadvisable. *New*.

Production  
of books,  
etc., to  
Commission

9.—(1) Every person, when requested so to do by an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, shall, in respect of milk and milk products, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such equipment and premises.

Obstruction  
of officers of  
Commission

(2) No person shall hinder or obstruct an officer or field-man of the Commission or a person appointed by the Commission to inspect the books, records, documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information.

Certificate of  
appoint-  
ment by  
Commission

(3) The production by any person of a certificate of appointment by the Commission to inspect the books, records,

documents,

documents, equipment and premises of persons engaged in the producing, processing or marketing of milk or milk products, purporting to be signed by the chairman and secretary of the Commission, shall be accepted by any person engaged in the producing, processing or marketing of milk or milk products as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended*.

**10.**—(1) Every person, when requested so to do by an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, shall, in respect of the regulated product, produce such books, records and documents and permit inspection thereof and supply extracts therefrom and permit inspection of such premises. Production of books, etc., to marketing board

(2) No person shall hinder or obstruct an officer of a marketing board or a person appointed by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product in the performance of his duties or refuse to permit him to carry out his duties or refuse to furnish him with information or furnish him with false information. Obstruction of officers of marketing board

(3) The production by any person of a certificate of appointment by a marketing board to inspect the books, records, documents and premises of persons engaged in producing or marketing a regulated product, purporting to be signed by the chairman and secretary of the marketing board, shall be accepted by any person engaged in the producing or marketing of the regulated product as proof of such appointment. R.S.O. 1960, c. 239, s. 11 (1-3), *part, amended*. Certificate of appointment by marketing board

**11.**—(1) Any person who is a producer and distributor is entitled in his respective capacities as a producer and as a distributor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a distributor. Producer-distributors

(2) Any person who is a producer and distributor shall be deemed to have received in his capacity as a distributor from himself in his capacity as a producer the milk produced by him that he distributes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.* Idem

**12.**—(1) Any person who is a producer and processor is entitled in his respective capacities as a producer and as a processor to all the rights and privileges and is subject to all the duties and obligations of a producer and of a processor. Producer-processors

Idem

(2) Any person who is a producer and a processor shall be deemed to have received in his capacity as a processor from himself in his capacity as a producer the milk produced by him that he processes and to have contracted in that capacity with himself in his capacity as a producer for the marketing thereof upon the condition that the regulations, orders, directions, agreements and awards and the re-negotiated agreements and awards made under this Act apply. *New.*

## CONSTRUCTION AND OPERATION OF PLANTS

Permit to construct plant

**13.**—(1) No person shall construct or alter any building intended for use as a plant without a permit from the Commission.

Permit to alter plant

(2) No person shall alter a plant without a permit from the Commission.

Conditions precedent to issue of permit

(3) No permit shall be issued by the Commission unless,

(a) in the opinion of the Commission, the plant is necessary and desirable, having regard to the needs of the producers in the locality in which it is proposed to locate the plant and to the facilities of the existing plants in operation; and

(b) the proposed plant complies with the regulations. R.S.O. 1960, c. 239, s. 13, *amended*.

Licence to operate plant

**14.**—(1) No person shall operate a plant without a licence therefor from the Commission. R.S.O. 1960, c. 239, s. 14, *amended*.

Licence to operate as distributor

(2) No person shall carry on business as a distributor without a licence therefor from the Commission. *New.*

Shade of butter

**15.**—(1) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale butter that has a tint or shade containing less than one and six-tenths degrees or more than ten and one-half degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement. 1962-63, c. 82, s. 3, *part, amended*.

Reconstituted milk

(2) Except as provided in the regulations, no person shall process, sell, offer for sale or have in possession for sale reconstituted milk. *New.*

Basis of payment for milk and cream

**16.** All milk and cream received at a plant shall be paid for on the basis of its milk-fat content or on such other basis as is prescribed in the regulations. R.S.O. 1960, c. 239, s. 16, *amended*.

**17.**—(1) Where one of the objects of a co-operative corporation to which Part V of *The Corporations Act* applies is to engage in the transportation of milk and the Commission issues a certificate to the Minister of Transport that more than three-quarters of the shareholders or members of the corporation are producers supplying milk to one or more plants in a municipality, no operating licence under *The Public Commercial Vehicles Act* is required by the corporation for the purpose of transporting such milk.

Transportation of milk by producers co-operative  
R.S.O. 1960, c. 71

R.S.O. 1960, c. 319

(2) The Commission may, after a hearing, revoke a certificate issued under subsection 1 and shall give notice of the revocation to the Minister of Transport. 1961-62, c. 80, s. 2, *amended*.

Revocation of certificates

**18.** Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations,

Regulations with respect to the operation of plants

1. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for the operation of any class of plant, and prescribing the fees payable for licences or the renewal thereof;
2. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew licences for any class of distributor, and prescribing the fees payable for licences or the renewal thereof;
3. prescribing the terms and conditions upon which licences under paragraphs 1 and 2 are issued, renewed, suspended or revoked;
4. requiring the furnishing of security or proof of financial responsibility by any class of distributor or by any person engaged in the operation of any class of plant;
5. providing for the administration, forfeiture and disposition by the Commission of bonds or any moneys recovered under any such bonds or any moneys or securities furnished as proof of financial responsibility by a distributor or by an operator of a plant;
6. providing for the submission of drawings and specifications for the construction or alteration of a building intended for use as a plant or for the alteration of a plant;
7. prescribing the methods of construction or alteration of a building intended for use as a plant and the materials that shall be used for such construction or alteration;



8. prescribing the location of plants, the equipment that shall be used in connection with plants and the sanitary requirements for plants;
9. providing for the issue of permits for the construction or alteration of a building intended for use as a plant and for the alteration of a plant, and prescribing the terms and conditions therefor;
10. respecting the health of cows;
11. respecting sanitary conditions of cows, premises on which cows are kept or milked and the equipment used in connection with the producing, handling, storing or transporting of milk or cream, or any class thereof;
12. respecting the premises and equipment used in connection with the producing, handling, storing, testing or transporting of milk or cream, or any class thereof;
13. prohibiting the delivering, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that is not produced, handled, stored, collected, delivered, supplied, received or transported in accordance with the regulations or that has been rejected in accordance with the regulations;
14. prescribing conditions for the delivering, supplying, selling or offering for sale to a plant or the receiving at a plant of milk or cream, or any class thereof, that has been graded at or on behalf of another plant in accordance with the regulations;
15. providing for the addition of a food colouring to milk or cream, or any class thereof, that has been delivered or offered for sale to a plant and rejected in accordance with the regulations;
16. governing the collection, transportation, delivery, handling, storing, supplying or receiving of milk or cream, or any class thereof, and prescribing the time therefor;
17. providing for the identification, labelling and use of containers used for transporting milk or cream, or any class thereof;



18. providing for the cleaning and sanitation of vehicles used in transporting, collecting, delivering, supplying or receiving milk or cream, or any class thereof, and prescribing methods therefor;
19. respecting the quality of milk or cream, or any class thereof, delivered, supplied, sold or offered for sale to a plant or received at a plant;
20. providing for the pasteurizing of milk or cream used for the manufacture of a milk product;
21. establishing classes of milk, cream, milk products or fluid milk products;
22. establishing grades for milk or cream, or any class thereof;
23. providing for the selecting, grading, rejecting, weighing, sampling and testing of milk or cream, or any class thereof, sold or offered for sale;
24. providing for the fees payable for the selecting, grading, rejecting, weighing, sampling or testing of milk or cream, or any class thereof;
25. prescribing the tests, procedures to be followed and equipment to be used in testing the composition and quality of milk or cream or any milk product;
26. providing for the taking of samples of milk or cream or any milk product at the expense of the owner for the purpose of testing and for the identification and labelling of containers used therefor;
27. providing for the approval of laboratories for the purpose of testing milk, cream and milk products;
28. providing for the settlement of disputes in connection with the selecting, grading, rejecting, weighing, sampling and testing of milk or cream and the payment for the milk or cream;
29. establishing classes of buttermakers, cheesemakers, milk and cream testers and milk and cream graders;
30. providing for the examination and re-examination of persons applying for certificates for any class of buttermaker, cheesemaker, milk and cream tester or milk and cream grader;

31. prescribing the qualifications for persons to whom certificates may be issued;
32. providing for the issue, renewal, suspension or revocation of or refusal to issue or renew certificates, and prescribing the fees payable for certificates or the renewal thereof;
33. prescribing the terms and conditions upon which certificates are issued, renewed, suspended or revoked;
34. prescribing the basis, terms and manner of payment for milk or cream, or any class thereof, purchased from producers;
35. providing for the establishment and the manner of payment of price differentials for any grade of milk or cream, or any class thereof;
36. providing for the establishment and the manner of payment of price differentials for milk-fat in milk or any class thereof;
37. designating classes of producers;
38. designating classes of distributors and transporters;
39. defining areas, and designating them as distribution areas;
40. providing for the designation on licences, issued to distributors, of the distribution area or municipality or part thereof in which the distributor may deliver, sell or distribute fluid milk products;
41. prohibiting a distributor from delivering, selling or distributing fluid milk products in any distribution area or municipality or part thereof other than the distribution area, municipality or part thereof designated on his licence;
42. designating as a milk product any product processed or derived in whole or in part from milk;
43. governing the methods of and the equipment used in processing milk or cream, or any class thereof, or in manufacturing any milk product;
44. providing for the standards of quality for and the composition of any milk product;

45. defining and designating classes of milk and milk products as fluid milk products;
46. providing for the minimum and maximum percentages of milk-fat, and the minimum percentage of milk solids, other than milk-fat, in any fluid milk product;
47. regulating and prohibiting the addition to or removal from fluid milk products of any substance, and regulating and prohibiting the sale of fluid milk products, or any class thereof, to which the substance has been added or from which the substance has been removed;
48. prescribing the types and sizes of containers that shall be used for fluid milk products;
49. respecting the advertising in respect of and the labelling of containers for fluid milk products, or any class of fluid milk products;
50. regulating retail or wholesale deliveries of fluid milk products, or any class of fluid milk products, by distributors;
51. prohibiting retail or wholesale deliveries of fluid milk products, or any class of fluid milk products, by distributors on any day or days;
52. establishing classes of reconstituted milk, providing for the issue, suspension and revocation of permits for the manufacture and sale of any class of reconstituted milk, and prescribing the fees payable for such permits and the records and returns to be made by the holders of such permits;
53. prescribing the standards of quality for and the composition of any class of reconstituted milk;
54. governing the advertising and the labelling of containers for any class of reconstituted milk;
55. prescribing the books, records and documents to be kept by distributors and operators of plants and the period for which such books, records and documents shall be kept, and providing for the inspection of such books, records and documents;
56. providing for the issue to producers of statements by distributors and operators of plants;

57. providing for sanitary standards and requirements for buildings and premises in which milk products, or any class thereof, are manufactured, stored, graded or packed;
58. prohibiting the buying or selling of and the trafficking in milk or cream, or any class thereof, by transporters;
59. requiring producers, transporters, processors and distributors to furnish to the Commission such information or returns as the Commission determines;
60. providing for the detention and disposal of any milk, cream, milk product, fluid milk product or reconstituted milk produced, processed or marketed in violation of this Act or the regulations;
61. establishing classes of field-men, and prescribing the powers and duties of field-men or any class thereof;
62. prescribing forms and providing for their use;
63. exempting from this Act or the regulations, or any part thereof, any plant or class of plants, any person or class of persons, or any milk product or any class, variety or grade of milk product;
64. designating milk as grade A milk, industrial milk or reconstituted milk;
65. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 239, s. 17; 1960-61, c. 56, s. 9; 1961-62, c. 80, s. 1; 1964, c. 61, s. 3, *amended*.

#### MUNICIPAL BY-LAWS

Interpre-  
tation

#### 19.—(1) In this section,

- (a) "municipality" means a city, town, village, township or improvement district;
- (b) "vendor" means a person who sells fluid milk products to a consumer or a person who sells fluid milk products to any person for resale. R.S.O. 1960, c. 239, s. 30, *amended*.

Licensing  
by-laws, etc.

- (2) The council of any municipality may pass by-laws for licensing, regulating and governing vendors, and for revoking such licences.

Where  
licence  
required

- (3) No person shall be a vendor in a municipality in which any such by-law is in force without a licence therefor under this section. R.S.O. 1960, c. 239, s. 31, *amended*.

(4) Notwithstanding the provisions of this or any other Act, <sup>Scope of by-laws</sup> no council of a municipality shall by by-law require that fluid milk products sold in the municipality be produced or processed in the municipality or in any other designated area.

*New.*

(5) The council of any municipality may pass by-laws <sup>By-laws prescribing hours of delivery</sup> prescribing the hours during which fluid milk products may be delivered within such municipality by vendors. R.S.O. 1960, c. 239, s. 32.

(6) The council of any municipality may by by-law appoint <sup>Municipal inspectors</sup> inspectors for the enforcement of this section and of any by-law passed under this section. R.S.O. 1960, c. 239, s. 33, *amended*.

#### GENERAL

**20.** Every person who contravenes any of the provisions <sup>Offences</sup> of this Act or the regulations, or of any plan, or of any order or direction of the Commission or any marketing board, or of any agreement or award or re-negotiated agreement or award filed with the Commission, or of any by-law under this Act, is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not more than \$50 and, for a subsequent offence, to a fine of not less than \$50 and not more than \$500. R.S.O. 1960, c. 239, s. 35, *amended*.

**21.** Where it is made to appear from the material filed or <sup>Injunction proceedings</sup> evidence adduced that any offence against this Act or the regulations or any plan, order, direction, agreement, award or re-negotiated agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Commission, enjoin any transporter, processor, distributor or operator of a plant from carrying on business as a transporter, processor, distributor or operator of a plant, absolutely or for such period as seems just, and any injunction cancels the licence of the transporter, processor, distributor or operator of a plant named in the order for the same period. 1962-63, c. 82, s. 4, *amended*.

**22.—(1)** Every person who fails to pay at least the minimum price established for any regulated product or for milk or cream in any agreement or award filed with the Commission <sup>Additional penalty for failure to pay minimum price</sup> is, in addition to the fine provided for in section 20, liable to a penalty of an amount equal to the amount of such minimum price less any amount paid by such person as payment in full or in part for such regulated product, milk or cream.

(2) Every penalty imposed under subsection 1 shall be paid <sup>Disposition of additional penalty</sup> to the marketing board or to the Commission, and the marketing board or the Commission, as the case may be, shall,

(a)



- (a) pay the money to the person who failed to receive at least the minimum price; or
- (b) use the money to stimulate, increase and improve the marketing of the regulated product or of milk or cream. R.S.O. 1960, c. 239, s. 37, *amended*.

Certified  
copies  
admissible  
in evidence

**23.** Where, in any action or prosecution under this Act, production of any agreement, award, order, regulation, direction, rule, resolution, determination or minute of the Commission or a marketing board is required, any document purporting to be a copy of such agreement, award, order, regulation, direction, rule, resolution, determination or minute, certified to be a true copy thereof by the chairman or secretary of the Commission or the marketing board, as the case may be, is admissible in evidence as proof of the making and of the text thereof without production of the original document and without proof of the signature of the person purporting to have certified it. R.S.O. 1960, c. 239, s. 38, *amended*.

Rebuttable  
presumption

**24.** In any prosecution for an offence under this Act, the act or omission of an act, in respect of which the prosecution was instituted, shall be deemed to relate to the marketing within Ontario of milk, cream or cheese, or any combination thereof, unless the contrary is proven. *New*.

Definitions  
in  
regulations

**25.—(1)** Any word or expression used in the Act or the regulations may be defined in the regulations for the purpose of the regulations.

Regulations  
may be  
limited

(2) Any regulation may be limited as to time or place, or to both. R.S.O. 1960, c. 239, s. 40.

#### APPEALS

Appeal to  
marketing  
board

**26.—(1)** Where any person deems himself aggrieved by any order, direction or decision of a marketing board, he may appeal to the marketing board by serving upon the marketing board written notice of the appeal.

Appeal to  
Commission

(2) Where any person deems himself aggrieved by,

- (a) any decision of a marketing board on an appeal under subsection 1; or
- (b) any order, direction or regulation made by the Commission,

he may appeal to the Commission by serving upon the Commission written notice of the appeal.

(3) Every notice under subsection 1 or 2 shall contain a statement of the matter being appealed and the name and address of the person making the appeal. <sup>Notice of appeal</sup>

(4) Upon receipt of a notice under clause *a* of subsection 2, the Commission shall forthwith notify the marketing board, and the marketing board shall thereupon forthwith provide the Commission with all relevant by-laws, orders, directions, regulations, documents and other material, of any kind whatsoever, in its possession. <sup>Marketing board to provide material</sup>

(5) In any appeal under subsection 1 or 2, the Commission or the marketing board, as the case may be, shall, within seven days after the notice referred to in subsection 1 or 2 is received, serve notice upon the person making the appeal of the date, time and place at which the appeal will be heard. <sup>Notice of hearing</sup>

(6) The Commission or the marketing board, as the case may be, shall hear and decide any appeal under subsection 1 or 2 within thirty days after the notice of appeal is received, but the Commission or the marketing board may, at the request of the person making the appeal, adjourn the hearing from time to time for such period or periods of time as the Commission or the marketing board deems just. <sup>Hearing</sup>

(7) At any hearing under this section, the person making the appeal has the right to attend and make representations and to adduce evidence respecting the appeal either by himself or through counsel. <sup>Right to be heard</sup>

(8) At any hearing of an appeal under clause *a* of subsection 2, the marketing board has the right to attend and make representations and to adduce evidence respecting the appeal either by its officers, or any of them, or through counsel. <sup>Idem</sup>

(9) Upon an appeal to the Commission under clause *a* of subsection 2, the Commission may, by order, direct the marketing board to take such action as the marketing board is authorized to take under this Act and as the Commission deems proper, and for this purpose the Commission may substitute its opinion for that of the marketing board. <sup>Disposition of appeal</sup>

(10) The Commission or the marketing board, as the case may be, shall, within ten days after the hearing is completed, serve notice upon the person making the appeal of its decision. <sup>Notice of decision</sup>

(11) A proceeding that is in substantial compliance with this section is not open to objection on the ground that it is not in strict compliance therewith. <sup>Substantial compliance</sup>

Service  
of notice

(12) Where a notice is served under this section, it may be served personally or,

(a) where the notice is served on the Commission or a marketing board, by mailing the notice to the address of the Commission or marketing board, as the case may be, at its usual business address; or

(b) where the notice is served on a person making an appeal, by mailing the notice to the address shown in his notice of appeal.

Rehearing

(13) After the Commission or a marketing board has decided an appeal under this section, the Commission or marketing board may reopen the hearing on its own motion and make a new decision, and the procedure for an appeal under this section applies to the rehearing.

#### MISCELLANEOUS

Existing  
plans, etc.,  
continued

**27.** Every marketing plan heretofore approved or declared valid and binding, every regulation heretofore made, every order heretofore made by any commission or board or any local board, every agreement and every award heretofore made and every by-law passed under *The Milk Industry Act* or any predecessor of that Act that are in force on the day this Act comes into force remain in force, in so far as they are not inconsistent with this Act, until revoked, amended or replaced and shall be deemed to have been made under this Act.

R.S.O. 1960,  
c. 239

Moneys

**28.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1966, be paid out of the Consolidated Revenue Fund, and thereafter shall be paid out of the moneys appropriated therefor by the Legislature. *New.*

R.S.O. 1960,  
c. 239;  
1960-61,  
c. 56;  
1961-62,  
c. 80;  
1962-63,  
c. 82;  
1964, c. 61,  
repealed

**29.** *The Milk Industry Act, The Milk Industry Amendment Act, 1960-61, The Milk Industry Amendment Act, 1961-62, The Milk Industry Amendment Act, 1962-63 and The Milk Industry Amendment Act, 1964* are repealed.

Commence-  
ment

**30.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**31.** This Act may be cited as *The Milk Act, 1965*.

## CHAPTER 73

## An Act to amend The Mining Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 241, s. 54,  
amended

- (3) Notwithstanding subsection 3 of section 63, a licensee holding unused metal tags may stake out and apply for a mining claim if the unused set of metal tags is surrendered to and cancelled by the recorder before the mining claim is presented to the recorder for recording.

2. Section 63 of *The Mining Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 241, s. 63,  
amended

- (10) Where metal tags purchased under this section are used in staking out mining claims and the licensee stakes out a group of four or more contiguous claims as part of a continuous action and presents the claims to the recorder for recording at the same time, he may plant or erect and use common posts at common corners Licensee  
staking out  
contiguous  
claims may  
use common  
posts at  
common  
corners

- (a) the common corner is not on the perimeter of the group of mining claims;
- (b) the metal tag and the writing or inscribing pertaining to each claim are placed on that side of the common post facing the next post for that claim in a clockwise manner;
- (c) common posts are not used as witness posts; and

(d)



(d) the sketch furnished under subsection 1 of section 59 indicates any common posts so planted or erected,

and otherwise the staking out and recording shall be in the manner provided in this Act.

R.S.O. 1960,  
c. 241, s. 91,  
subs. 1,  
cl. e,  
re-enacted

3. Clause *e* of subsection 1 of section 91 of *The Mining Act* is repealed and the following substituted therefor:

(e) if the application and payment for the lease required by section 100*a* are not made within the prescribed time.

R.S.O. 1960,  
c. 241, s. 92,  
subs. 1,  
cl. d,  
re-enacted

4.—(1) Clause *d* of subsection 1 of section 92 of *The Mining Act* is repealed and the following substituted therefor:

(d) where application and payment for the lease are not made within the time prescribed in subsection 3 of section 100*a*, the Commissioner, within six months of the forfeiture, may make an order, upon such terms as he considers just, relieving the claim from forfeiture and extending the time for applying and paying for the lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 3 of section 100*a*.

R.S.O. 1960,  
c. 241, s. 92,  
subs. 4,  
re-enacted

(2) Subsection 4 of the said section 92 is repealed and the following substituted therefor:

Idem

(4) Within thirty days before forfeiture or loss of rights would occur, the Commissioner may make an order extending the time for applying and paying for the lease, but in no case shall the time for so doing be extended beyond five years of the time prescribed in subsection 3 of section 100*a*.

Previous  
orders  
validated

(3) Every order heretofore made by the Commissioner, extending the time for applying and paying for a lease, shall be deemed to be valid notwithstanding that such order would, but for this subsection, be invalid or void.

R.S.O. 1960,  
c. 241,  
s. 100*a*  
(1962-63,  
c. 84, s. 28),  
amended

5. Section 100*a* of *The Mining Act*, as enacted by section 28 of *The Mining Amendment Act, 1962-63* and amended by section 10 of *The Mining Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Rental  
where  
area of  
mining  
claim  
exceeds  
prescribed  
area

(18) Where the area of the mining claim exceeds by more than five acres the area prescribed for a mining claim in section 51 and the claim is not reduced in size

under



under section 111, the rental per acre of the area in excess of the area so prescribed is twice the rental provided for in this Act, and there shall be performed at least five days work per acre for the excess area.

- (19) Where there is a group of contiguous claims held by the same licensee and their average area does not exceed by more than five acres the area prescribed for a mining claim in section 51, the Minister may direct that subsection 18 does not apply.
- Contiguous claims held by the same licensee

- (20) Subsection 18 of this section and subsection 6 of section 109 do not apply to the rental for renewal leases.
- Exceptions

- (21) Where additional work is required under subsection 18, the Minister may prescribe the time within which such work is to be performed and recorded, and application and payment for lease shall be made within the time so prescribed.
- Where additional work is required

6. Section 101 of *The Mining Act*, as amended by subsection 1 of section 29 of *The Mining Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 241, s. 101, repealed

7. Subsection 2 of section 112 of *The Mining Act*, as enacted by section 35 of *The Mining Amendment Act, 1962-63*, is repealed.

R.S.O. 1960, c. 241, s. 112, subs. 2 (1962-63, c. 84, s. 35), repealed

8. Section 134 of *The Mining Act*, as amended by section 38 of *The Mining Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

R.S.O. 1960, c. 241, s. 134, amended

- (8) This section applies to the manner in which the metal tags have been affixed to the corner posts, notwithstanding that the period prescribed in subsection 5 of section 62 has not fully expired.
- Application

9. Items 27 and 28 of the Schedule to *The Mining Act*, as enacted by section 49 of *The Mining Amendment Act, 1962-63*, are repealed and the following substituted therefor:

R.S.O. 1960, c. 241, Sched., items 27, 28 (1962-63, c. 84, s. 49), re-enacted

27. For consenting to the transfer of a mining lease or licence of occupation or any interest in a mining lease or licence of occupation. . . . . \$5.00
28. For consenting to any document relating to a mining lease or licence of occupation other than a transfer. . . . . 2.00

Annual  
rental for  
licence of  
occupation

**10.**—(1) Where a licence of occupation has heretofore been issued under the provisions of *The Mining Act* or any predecessor thereof and there is no provision in the licence of occupation for the payment of an annual rental, the annual rental, payable in advance, is 25 cents per acre, the minimum annual rental being \$1.

Idem

(2) The rental prescribed by subsection 1 is payable commencing on the anniversary of the effective date of the licence of occupation next following the coming into force of this section.

Previous  
forfeitures  
validated

**11.** Every forfeiture of lands and mining rights heretofore made under Part XIV of *The Mining Act* shall be deemed to be valid notwithstanding that such forfeiture would, but for this section, be invalid or void.

Commence-  
ment

**12.** This Act comes into force on the day it receives Royal Assent.

Short title]

**13.** This Act may be cited as *The Mining Amendment Act, 1965*.

CHAPTER 74

An Act to amend The Mortgages Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 29 of *The Mortgages Act*, as enacted by section 5 of *The Mortgages Amendment Act, 1964*, is amended by striking out “the persons subject to whose rights the mortgaged property is being sold” in the fifth, sixth and seventh lines and inserting in lieu thereof “any other persons subject to whose rights the mortgagee proposes to sell the mortgaged property”, so that the subsection, exclusive of the paragraphs, shall read as follows:

R.S.O. 1960, c. 245, s. 29 (1964, c. 64, s. 5), subs. 1, amended

- (1) A mortgagee shall not exercise a power of sale unless a notice of exercising the power of sale (Form 1) has been given by him to the following persons, other than the persons having an interest in the mortgaged property prior to that of the mortgagee and any other persons subject to whose rights the mortgagee proposes to sell the mortgaged property:

Notice of power of sale

. . . . .

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. This Act may be cited as *The Mortgages Amendment Act, 1965*.

Short title



## CHAPTER 75

**An Act to amend  
The Motor Vehicle Accident Claims Act, 1961-62**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 4 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by inserting after "owner" in the second line "and of the operator", so that the subsection, exclusive of the clauses, shall read as follows:

- (1) The Registrar is deemed to be an agent of the owner and of the operator of every uninsured motor vehicle for service of notice or process in an action in Ontario arising out of the use or operation in Ontario of the uninsured motor vehicle, and, where such an action is commenced,

1961-62,  
c. 84, s. 4,  
subs. 1,  
amended  
Registrar  
agent for  
owner and  
operator of  
uninsured  
motor  
vehicle for  
service of  
process

**2.** Section 5 of *The Motor Vehicle Accident Claims Act, 1961-62* is amended by adding thereto the following subsection:

- (3a) The release executed under clause *a* of subsection 3 does not affect the rights of recovery of an insured against any person to which an insurer becomes subrogated under section 210 of *The Insurance Act*.

1961-62,  
c. 84, s. 5,  
amended  
Rights of  
insured to  
which  
insurer  
subrogated  
R.S.O. 1960,  
c. 190

**3.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**4.** This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1965*.

Short title





## CHAPTER 76

## The Motor Vehicle Fuel Tax Act, 1965

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "Comptroller" means the Comptroller of Revenue;
- (b) "diesel fuel" includes any gas or liquid that is used or may be used to operate an internal combustion engine of the diesel type and, in particular and without restricting the generality of the foregoing, includes any furnace oil, stove oil, kerosene, light industrial and commercial fuel oils;
- (c) "highway" includes every highway within the meaning of *The Highway Traffic Act* and every road, street, lane, bridge or right of way designated or intended for or used by the general public for the passage of vehicles; R.S.O. 1960,  
c. 172
- (d) "marked" means marked and coloured in accordance with the regulations;
- (e) "motor vehicle" means any vehicle licensed or required to be licensed under *The Highway Traffic Act*, and includes any machine operated, propelled or driven on any highway or in connection with the construction or maintenance of a highway, other than machines used in the production or manufacture of highway-building materials, such as stone, gravel, sand, asphalt and cement;
- (f) "regulations" means the regulations made under this Act;
- (g) "Treasurer" means the Treasurer of Ontario. R.S.O. 1960, c. 248, s. 1, *amended*.

## Tax

**2.**—(1) Except as provided in subsection 2, every person shall at the time of purchase or delivery pay to the Treasurer for the use of the Crown in right of Ontario a tax at the rate of 20.5 cents per imperial gallon on all diesel fuel purchased or delivery of which is received by him in Ontario for his own use.

## Exemptions

(2) Any person who uses diesel fuel for,

(a) any purpose other than,

(i) the operation of an internal combustion engine, or

(ii) in connection with the construction or maintenance of a highway, exclusive of diesel fuel used in the heating of buildings situated at other than highway construction or maintenance job-sites;

(b) operating agricultural machinery, other than motor vehicles, while engaged in agricultural work on farm land;

(c) operating boats in commercial fishing operations if he holds a subsisting licence issued to him under *The Game and Fish Act, 1961-62*;

(d) operating diesel-powered locomotives if he is engaged in transporting by rail passengers or goods for compensation; or

(e) operating diesel-powered vessels of more than 500 tons gross if he is engaged in transporting by water passengers or goods for compensation,

may purchase marked diesel fuel exempt from tax. *New.*

Uses of  
marked  
diesel fuel

**3.** Marked diesel fuel shall not be used for any purpose except as provided in subsection 2 of section 2. *New.*

Designation  
of markers

**4.** The Comptroller may designate and authorize persons to mark diesel fuel. *New.*

## Inquiry

**5.**—(1) The Treasurer may, for any purpose related to the administration or enforcement of this Act or the regulations, authorize any person to make such inquiry as he deems necessary with reference thereto.

## Powers

(2) For the purpose of an inquiry under subsection 1, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner under

R.S.O. 1960, *The Public Inquiries Act.* *New.*  
c. 323

**6.**—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act or the regulations may at all reasonable times enter into any premises or place of any person, Entry for inspection of premises

(a) for the purpose of ascertaining whether the tax imposed by this Act has been or is being paid or collected, or the amount of such tax; or

(b) to ascertain whether the person has, or has had, in his possession diesel fuel that may be taxable under this Act.

(2) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act or the regulations may examine the fuel in any fuel container or the fuel tank or any part of the fuel system of any motor vehicle or machine and take a sample of that fuel. Power to search  
*New.*

**7.**—(1) No person shall place, use or have marked diesel fuel in the fuel tank, including any supplemental tank, or the fuel system of a motor vehicle. Marked diesel fuel in motor vehicles prohibited

(2) In subsection 1, “motor vehicle” includes any machine to which subsection 2 of section 2 does not apply. Interpretation

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Penalty *New.*

**8.**—(1) No person shall add any substance to marked diesel fuel or remove any substance from marked diesel fuel or subject marked diesel fuel to any process whatsoever with intent to remove or change its colour or marking. Tampering with marked diesel fuel

(2) Proof of any adding, removing or processing is admissible in evidence as *prima facie* proof of intent to remove or change the colour or marking of the marked diesel fuel. Proof of tampering

(3) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. Penalty *New.*

**9.** No person shall dispense marked diesel fuel from a pump or other dispensing device unless such pump or other dispensing device has on it the notice prescribed by the regulations. Notice on pump required *New.*

False  
returns

**10.** Every person charged with the collection of the tax imposed by this Act and every officer, agent or employee of any such person, who signs any return or statement required by this Act or the regulations containing any false statement, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. *New.*

Where more  
than 40  
imperial  
gallons of  
fuel in  
fuel tank

**11.**—(1) Where there are more than forty imperial gallons of diesel fuel in the fuel tank, including any supplemental tank, of a motor vehicle, such fuel shall be deemed to have been purchased in Ontario, and the person in charge of any such motor vehicle shall produce proof that the tax imposed by this Act was paid on the portion of such fuel in excess of forty imperial gallons. R.S.O. 1960, c. 248, s. 4 (1), *amended.*

## Penalty

(2) Every person who fails to comply with subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$500.

## Exception

R.S.O. 1960,  
c. 319

(3) This section does not apply to a public commercial vehicle for which there has been issued a Class L single-trip permit under *The Public Commercial Vehicles Act*. R.S.O. 1960, c. 248, s. 4 (2, 3).

Information  
to be secret

**12.**—(1) Subject to subsection 2, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act.

Communi-  
cation of  
information  
to other  
jurisdictions

(2) The Treasurer may,

- (a) communicate or allow to be communicated information obtained under this Act; or
- (b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the government of Canada or of any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.



(3) Every person who contravenes any provision of sub-section 1 or 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1960, c. 248, s. 19. <sup>Penalty</sup>

**13.** Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not less than thirty days and not more than ninety days, or to both, and, for any subsequent offence, to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not less than ninety days and not more than six months, or to both. *New.* <sup>General penalty</sup>

**14.** Where a corporation is convicted of an offence under subsection 3 of section 7, subsection 3 of section 8 or section 9 or 10, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. *New.* <sup>Maximum penalty for corporations</sup>

**15.** Any information with respect to any contravention of this Act or the regulations may be laid within three years from the time when the matter of such information arose, and not afterwards. *New.* <sup>Information to be laid within 3 years</sup>

**16.** The fines imposed for offences under this Act are payable to the Treasurer. *New.* <sup>Disposition of fines</sup>

**17.** In every prosecution under this Act, a certificate of analysis purporting to be signed by an analyst is admissible in evidence as *prima facie* proof of the facts stated therein without proof of the signature or standing or qualification of the person by whom the certificate is given. *New.* <sup>Certificate of analysis</sup>

**18.** The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act. <sup>Moneys</sup>

**19.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

- (a) providing for the collection of the tax imposed by this Act and designating the persons by whom it shall be collected;
- (b) prescribing the remuneration to be paid to the persons who collect the tax imposed by this Act;

(c)

- (c) requiring the furnishing of surety bonds by the persons who collect the tax imposed by this Act and prescribing the form and amount of such bonds;
- (d) providing for the accounting for and paying over of the tax imposed by this Act and regulating the time and manner of such accounting and payment;
- (e) prescribing the returns and statements to be made, the information to be given in such returns and statements, and by whom and in what manner they shall be made;
- (f) excluding classes of diesel fuel from this Act and the regulations;
- (g) exempting classes of persons from the tax imposed by this Act;
- (h) providing for refunds of the tax paid under this Act, or any portion of such tax, and prescribing the records and materials to be furnished upon applications for refunds;
- (i) prescribing the manner and method of marking and colouring diesel fuel for use for any purpose other than a purpose mentioned in subclause i or ii of clause *a* of subsection 2 of section 2;
- (j) prescribing the form and content of the notice mentioned in section 9;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 248, s. 21, *amended*.

R.S.O. 1960, c. 248;  
1961-62, c. 85;  
1964, c. 67,  
repealed

**20.** *The Motor Vehicle Fuel Tax Act, The Motor Vehicle Fuel Tax Amendment Act, 1961-62 and The Motor Vehicle Fuel Tax Amendment Act, 1964 are repealed.*

Commence-  
ment

**21.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**22.** This Act may be cited as *The Motor Vehicle Fuel Tax Act, 1965*.

## CHAPTER 77

## An Act to amend The Municipal Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of section 1 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249, s. 1,  
cl. *q*,  
re-enacted

(*q*) "published" means published in a daily or weekly newspaper that, in the opinion of the clerk of the municipality, has such circulation within the municipality as to provide reasonable notice to those affected thereby, and "publication" has a corresponding meaning.

2. Section 13 of *The Municipal Act*, as re-enacted by section 1 of *The Municipal Amendment Act, 1962-63*, is amended by adding thereto the following subsections: R.S.O. 1960,  
c. 249, s. 13  
(1962-63,  
c. 87, s. 1),  
amended

(5) Where a township containing one or more police villages is hereafter divided into wards under this section and the boundaries of the wards are such that the police village is within the boundaries of a ward or, where there is more than one police village, each of such police villages is within the boundaries of a different ward, each such police village is dissolved as of the date when the division into wards takes effect, and the provisions of section 25 apply *mutatis mutandis*. Dissolution  
of police  
villages

(6) The Municipal Board, before making any order for the division or redivision into wards of a township containing one or more police villages, shall hold a public hearing in the municipality, after such notice thereof has been given as the Municipal Board may direct, for the purpose of inquiring into the merits of the application and the hearing of any objections that any persons may desire to bring to the attention of the Municipal Board. O.M.B.  
hearing

Power of  
O.M.B. re  
composition  
of council

- (7) Notwithstanding subsections 1, 2, 4, 5, 6, 7 and 8 of section 31 or any special Act, where a township containing one or more police villages is hereafter divided or redivided into wards, the Municipal Board may, in any order dividing or redividing the township into wards or by subsequent order or orders, make all such provisions for the composition of the council of the township as it may deem necessary or desirable, provided that there shall be a reeve to be elected by general vote and at least one councillor to be elected for each ward and one or more deputy Reeves to be elected by general vote or appointed by the council from its own members.

Petition  
for works  
or services  
in wards

- (8) A petition of 100 electors of a ward in a township in which a police village was dissolved under subsection 5 may be presented to the council of the township for the exercise of any of its powers to provide works or services in the ward of the kind that may be provided to a police village under section 502 and that may be lawfully provided within a defined area in the township and the whole cost of which may be charged to such area, and, if the council,

- (a) where no approval of any other authority is required, refuses or neglects to exercise such powers within ninety days; or
- (b) where approval of some other authority is required, does not make the necessary application for such approval within sixty days; or
- (c) where the required approval has been obtained, does not exercise its powers within thirty days of the receipt of such approval,

the petitioners or any of them may appeal to the Municipal Board, and the Municipal Board shall hear the appeal, after such notice has been given as the Municipal Board may direct, and may dismiss the appeal or direct the council to pass a by-law or by-laws in accordance with its order.

R.S.O. 1960,  
c. 249, s. 14,  
subs. 10,  
cl. i,  
re-enacted

**3.** Clause *i* of subsection 10 of section 14 of *The Municipal Act* is repealed and the following substituted therefor:

- (i) where by reason of any annexation order made under this section the taxable assessment of a local municipality is reduced by not less than 15 per cent as shown by the last revised assessment roll prior to

the



the effective date of such annexation, authorize and direct the payment to such municipality or to a school board thereof by the annexing municipality or a school board thereof, to relieve such municipality or school board from any undue burden by reason of the loss of such assessment, of compensating grants during a period of not more than five years after the effective date of the annexation in such amounts and manner as may be agreed upon between the municipalities and the school boards and approved by the Municipal Board or, failing agreement, as the Municipal Board may deem equitable.

**4.** Section 17 of *The Municipal Act*, as amended by section 3 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 249, s. 17,  
amended

- (6) Where a township or part of a township in which a police village is situate is erected into an urban municipality, the police village or part of the police village within such township or part of a township is dissolved or detached, as the case may be, and clauses *d, e, ea* and *h* of subsection 7 of section 25 and subsection 8 of section 25 apply *mutatis mutandis*. Dissolution  
of police  
village  
included in  
area erected  
into an  
urban  
municipality

**5.** Subsection 7 of section 25 of *The Municipal Act* is amended by adding thereto the following clauses: R.S.O. 1960,  
c. 249, s. 25,  
subs. 7,  
amended

- (*ea*) upon the dissolution of a police village, provide for the maintenance of any works or services previously provided within the police village by the trustees of the police village, pursuant to the provisions of any Act, upon such terms and conditions as it may deem necessary or desirable, and subsections 10*a*, 10*b* and 10*c* of section 14 apply *mutatis mutandis*;
- (*eb*) upon the dissolution of a police village, provide for the continued operation of any local hydro-electric system previously established by the trustees of the police village under section 69 of *The Power Commission Act* and for the transfer to the council of the township of the control and management of works established for the distribution of power in the area of such police village. R.S.O. 1960,  
c. 300

**6.** Clause *r* of subsection 1 of section 35 of *The Municipal Act*, as amended by subsection 1 of section 3 of *The Municipal Amendment Act, 1962-63*, is further amended by inserting after "409" in the sixth line "or under section 7*a* of *The Planning Act*", so that the clause shall read as follows: R.S.O. 1960,  
c. 249, s. 35,  
subs. 1,  
cl. *r*,  
amended



- (r) a person who, either himself or by or with or through another, has any claim, action or proceeding against the corporation, but this clause does not apply with respect to any moneys paid or payable to a member of a council under section 203, 212, 405, 406, 407 or 409 or under section 7a of *The Planning Act* or with respect to assessment appeals under *The Assessment Act* or *The Local Improvement Act*.

R.S.O. 1960,  
c. 296, s. 23,  
223

R.S.O. 1960,  
c. 249, s. 41,  
amended

7. Section 41 of *The Municipal Act* is amended by striking out "section 119" in the second line and inserting in lieu thereof "section 121", so that the section shall read as follows:

Clerk may  
give a  
casting  
vote only

41. The clerk of the municipality is not entitled to vote except to give a casting vote as provided by section 121.

R.S.O. 1960,  
c. 249, s. 48,  
subs. 1,  
amended

8. Subsection 1 of section 48 of *The Municipal Act* is amended by adding "or" at the end of clause c and by adding thereto the following clause:

- (d) a statutory declaration that he is qualifying in respect of land of which he is a tenant where the taxes in respect of the land are under the terms of tenancy payable by the owner of the land and that the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

R.S.O. 1960,  
c. 249, s. 60,  
subs. 4,  
amended

9. Subsection 4 of section 60 of *The Municipal Act* is amended by striking out "shall" in the second line and inserting in lieu thereof "may", so that the subsection shall read as follows:

Constable  
may attend  
each such  
polling  
place

- (4) The board of commissioners of police or the chief constable may cause one or more constables or clerks, as the case may be, to attend at each polling place in a schoolhouse or public building in which an election is being held, there to perform the duties required by this Act of a constable appointed by the returning officer.

R.S.O. 1960,  
c. 249, s. 119,  
subs. 3,  
repealed

10. Subsection 3 of section 119 of *The Municipal Act* is repealed.

R.S.O. 1960,  
c. 249, s. 121,  
subs. 11,  
re-enacted

11. Subsection 11 of section 121 of *The Municipal Act* is repealed and the following substituted therefor:

When clerk  
to have  
casting vote

- (10a) If the certificate of the result of the recount shows that the candidates have an equal number of votes, the clerk shall forthwith after receiving the certificate give a vote for one or more of the candidates so as to decide the election.

- (11) Upon the result of the recount or re-addition being ascertained under subsection 10 or 10a, the clerk shall declare elected the candidate so ascertained as having the greatest number of votes, and such declaration shall be deemed for all purposes to have been substituted for the prior declaration made under section 118 if it is different from such prior declaration.

Clerk's  
declaration  
of result

**12.** Section 146 of *The Municipal Act* is amended by adding at the end thereof "and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum", so that the section shall read as follows:

R.S.O. 1960,  
c. 249, s. 146,  
amended

146. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council, but he shall not vote on a motion as to his own resignation, and may not resign his office and his seat in council if his resignation would reduce the number of the members of the council to less than a quorum.

Resignation  
of member  
with  
consent of  
council

**13.** Section 198 of *The Municipal Act* is amended by adding at the end thereof "or to annual allowances to members of council", so that the section shall read as follows:

R.S.O. 1960,  
c. 249, s. 198,  
amended

198. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation, but this does not apply to allowances for attendance at meetings of the council or its committees or to annual allowances to members of council.

Prohibition  
as to  
member  
voting to  
appoint  
himself to  
office

**14.** Subsection 1 of section 202 of *The Municipal Act*, as re-enacted by section 26 of *The Municipal Amendment Act, 1961-62* and amended by section 4 of *The Municipal Amendment Act, 1964*, is further amended by inserting after "cities" in the first line "or towns", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,  
c. 249, s. 202  
(1961-62,  
s. 86, s. 26),  
subs. 1,  
amended

- (1) In cities or towns having a population of not less than 45,000 and in other local municipalities having a population of not less than 100,000, the council may, by an affirmative vote of two-thirds of all the members of the council, pass a by-law,

In cities or  
towns of  
not less  
than 45,000  
and other  
local muni-  
cipalities  
of not  
less than  
100,000

R.S.O. 1960,  
c. 249, s. 216,  
subs. 3,  
amended

**15.** Subsection 3 of section 216 of *The Municipal Act* is amended by inserting after "hand" in the third line "and under the seal of the corporation" and by inserting after "proof" in the fourth line "of the seal or", so that the subsection shall read as follows:

Copies  
certified by  
clerk to be  
receivable  
in evidence

- (3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and under the seal of the corporation may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

R.S.O. 1960,  
c. 249,  
s. 223<sup>a</sup>  
(1961-62,  
c. 86, s. 32),  
re-enacted

**16.** Section 223a of *The Municipal Act*, as enacted by section 32 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Publication  
of financial  
statement,  
etc.

- 223a.—(1) The treasurer of every local municipality in every year shall, within one month after receiving the audited financial statements of the municipality, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and the statement of revenue and expenditure for the preceding year, all as certified by the auditor, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

Inclusion  
with tax  
notice

- (2) Where a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 1, include with such notice the copy or summary and the report.

Publication  
of informa-  
tion

- (3) The council of a municipality may cause to be published in a newspaper having general circulation in the municipality or to be mailed or delivered to each ratepayer in the municipality such information concerning the activities of the municipality as, in the opinion of the council, would be of interest to the ratepayers.

R.S.O. 1960,  
c. 249,  
amended

**17.** *The Municipal Act* is amended by adding thereto the following section:

226a. The council of a municipality shall appoint as <sup>Only</sup> assessor, assessment commissioner, county assess- <sup>licensed</sup> <sup>assessors</sup> <sup>to be</sup> <sup>appointed</sup> ment commissioner or a member of a board of assessors only a person who is licensed by the Department as a municipal assessor.

**18.** Subsection 1 of section 228 of *The Municipal Act* is <sup>R.S.O. 1960,</sup> <sup>c. 249, s. 228,</sup> <sup>subs. 1,</sup> <sup>amended</sup> amended by adding at the end thereof "except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4a of section 51 of *The Secondary Schools and Boards of Education Act*", so that the subsection shall read as follows:

(1) The council of every municipality shall by by-law <sup>Appointment of</sup> <sup>auditors</sup> appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the council, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Department of Municipal Affairs Act*, except school boards established under section 12 of *The Public Schools Act*, subsection 5 of section 12 of *The Secondary Schools and Boards of Education Act* or subsection 4a of section 51 of *The Secondary Schools and Boards of Education Act*. <sup>R.S.O. 1960,</sup> <sup>cc. 98, 330,</sup> <sup>362</sup>

**19.** Section 247 of *The Municipal Act* is amended by adding <sup>R.S.O. 1960,</sup> <sup>c. 249, s. 247,</sup> <sup>amended</sup> thereto the following subsection:

(1a) The power to license, regulate or govern places or things includes a power to license, regulate or govern the trades, callings or businesses for which such <sup>Power to</sup> <sup>license or</sup> <sup>regulate</sup> <sup>places or</sup> <sup>things</sup> <sup>includes</sup> <sup>power to</sup> <sup>license and</sup> <sup>regulate</sup> <sup>trades, etc.</sup> places or things are used and the persons carrying on or engaged in them.

**20.** Section 248b of *The Municipal Act*, as enacted by <sup>R.S.O. 1960,</sup> <sup>c. 249,</sup> <sup>s. 248b</sup> <sup>(1961-62,</sup> <sup>c. 86, s. 36),</sup> <sup>re-enacted</sup> section 36 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

248b. A municipality or a local board thereof, as defined in *The Department of Municipal Affairs Act*, except a school board, shall not destroy any of its receipts, <sup>Destruction of docu-</sup> <sup>ments</sup> <sup>R.S.O. 1960,</sup> <sup>c. 98</sup> vouchers, instruments, rolls or other documents, records and papers except,

(a) after having obtained the approval of the Department; or

(b)



- (b) in accordance with a by-law passed by the municipality and approved by the auditor of the municipality establishing schedules of retention periods during which the receipts, vouchers, instruments, rolls or other documents, records and papers must be kept by the municipality or local board.

R.S.O. 1960,  
c. 249,  
s. 248c,  
subs. 3  
(1964, c. 68,  
s. 5),  
re-enacted

**21.** Subsection 3 of section 248c of *The Municipal Act*, as re-enacted by section 5 of *The Municipal Amendment Act, 1964*, is repealed and the following substituted therefor:

Vesting  
upon  
transfer  
from  
pension  
fund

- (3) Notwithstanding any general or special Act, where an employee of a municipality or of a local board as defined in paragraph 59 of section 377, on or after the 1st day of March, 1948,

- (a) has been contributing to a pension, superannuation or benefit fund or plan established under any general or special Act, excluding a pension fund established under *The Teachers' Superannuation Act*, *The Power Commission Insurance Act* or *The Public Service Superannuation Act*; and

R.S.O. 1960,  
cc. 392, 301,  
332

- (b) terminates his employment with the municipality or local board; and

- (c) without intervening employment, becomes a member of the civil service of Ontario or Canada, the civic service of any other municipality or local board or the staff of any board, commission or public institution established under any Act of the Legislature,

he is entitled, in lieu of a refund of his contributions to the fund or plan plus any interest thereon, to the pension benefits and any other benefits that would be payable under the fund or plan in respect of his employment with the municipality or local board to the date of such termination as if he continued in such employment until his death or retirement age, and such municipality or local board shall authorize, on the request of the employee, the transfer of a sum of money equal to the larger of,

- (d) the contributions made by the employee under the fund or plan, plus any interest thereon; or
- (e) the present value, calculated as of the date of the transfer of such sum of money on the basis of generally accepted actuarial methods,



of the pension benefits and any other benefits under the fund or plan to which the employee is entitled as provided in this subsection,

to any fund or plan maintained to provide pension benefits for members of such civil or civic service or staff of which the employee has become a member, provided such a transfer is permitted under the terms of the fund or plan to which the transfer is to be made.

**22.** *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 249,  
amended

248d. Where, after the 1st day of June, 1965, a by-law under paragraph 52 of subsection 1 of section 379 or section 380 is passed imposing a special rate or levy within a defined area and there are in such defined area lands as defined in *The Assessment Act* that are exempt from taxation, that part of the cost of the work for which the special rate or levy is made that would be chargeable to such exempt lands if they were not exempt from taxation shall be levied against all the rateable property in the municipality. Special  
rates re  
exempt  
lands in  
defined  
areas  
  
R.S.O. 1960,  
c. 23

**23.** Section 250a of *The Municipal Act*, as enacted by section 37 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249,  
s. 250a  
(1961-62,  
c. 86, s. 37),  
re-enacted

250a. The council of a municipality may pass by-laws for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council. Joint works  
and under-  
takings

**24.** Section 272 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 249, s. 272,  
re-enacted

272.—(1) Where the by-law is proposed to be passed by a county council, the council may fix a day or may prescribe the days on which municipal elections are to be held in the local municipalities in the county as the day or days for obtaining the assent or opinion of the electors, in which event the local municipalities shall submit the proposed by-law to their respective electors accordingly, and the clerk of each local municipality shall, upon the expiry of the time for applying for a scrutiny of the vote under section 273 or, where there has been such an application, on the disposition of it by the judge, forthwith certify the

result of the vote in his local municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

When  
by-law  
deemed to  
have assent

- (2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the votes cast in all the local municipalities is in favour of the by-law.

R.S.O. 1960,  
c. 249, s. 286,  
subs. 2,  
cl. k,  
amended

**25.** Clause *k* of subsection 2 of section 286 of *The Municipal Act* is amended by striking out "section 11" in the second line and inserting in lieu thereof "section 17", so that the clause shall read as follows:

R.S.O. 1960,  
c. 201

- (*k*) agreements respecting juvenile and family courts under section 17 of *The Juvenile and Family Courts Act*.

R.S.O. 1960,  
c. 249, s. 377,  
par. 9,  
re-enacted

**26.**—(1) Paragraph 9 of section 377 of *The Municipal Act* is repealed and the following substituted therefor:

Establish-  
ment of air  
harbours or  
landing  
grounds

9. For establishing or for granting aid to the establishment of air harbours or landing grounds in compliance with the *Air Regulations* (Canada), and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of aircraft, and for entrusting the control and management of any air harbour or landing ground so established to a commission appointed by the council.

- (*a*) For the purposes of this paragraph, the council of a local municipality may acquire land in the municipality or in an adjacent or an adjoining municipality or in any adjacent or adjoining territory without municipal organization, or may acquire by lease or otherwise an existing air harbour or landing ground in any municipality or in territory without municipal organization.

R.S.O. 1960,  
c. 249, s. 377,  
par. 63,  
amended

(2) Paragraph 63 of the said section 377 is amended by striking out "where there is no board of park management" in the third and fourth lines and inserting in lieu thereof "in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management", so that the paragraph, exclusive of the clauses, shall read as follows:

63. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality and, in respect of lands acquired for any of such purposes that are not under the general management, regulation and control of a board of park management, for exercising all or any of the powers that are conferred on boards of park management by *The Public Parks Act*.

Acquiring  
land for  
parks, etc.

R.S.O. 1960,  
c. 329

. . . . .

- (3) Paragraph 67 of the said section 377, as amended by subsection 4 of section 15 of *The Municipal Amendment Act, 1962-63*, is further amended by adding thereto the following clause:

R.S.O. 1960,  
c. 249, s. 377  
par. 67,  
amended

- (h) Where a by-law has been passed under this paragraph, which provides that the capital cost or any part thereof shall be levied against the lands in a defined area under clause g, and the council is of the opinion that lands in any other area or areas have begun or may begin to derive a special benefit therefrom because of the passing, subsequent to the effective date of the by-law imposing the levy, of a by-law or amendment to a by-law under section 30 of *The Planning Act*, the council may, by a further by-law passed with the approval of the Municipal Board, define the area or areas in which lands have begun or may begin to derive such special benefit and re-apportion the balance of such costs mentioned in subclause i of clause g and amend the schedule to the first-mentioned by-law so that such costs shall be apportioned against each parcel of land in all the defined areas that derive or that have begun or begin to derive such special benefit.

Enlargement  
of defined  
area against  
which cost  
may be  
levied

R.S.O. 1960,  
c. 296

- (4) The said section 377 is amended by adding thereto the following paragraph:

R.S.O. 1960,  
c. 249, s. 377,  
amended

71. For licensing, regulating and governing lodging houses and the keepers of lodging houses, and for revoking any such licence.

Lodging  
houses

- (a) In this paragraph, "lodging house" means a nursing home and any house or other building or portion thereof in which persons are harboured, received or lodged for hire, but does not include a hotel, hospital, home for

the young or the aged or institution if the hotel, hospital, home or institution is licensed, approved or supervised under any other general or special Act.

- (b) A by-law passed under this section may provide for the licensing, regulating and governing of any class or classes of lodging house or lodging-house keepers, and may provide for the issue and revocation of licences for any class or classes of lodging house by the local board of health and for prohibiting the use of premises licensed under the by-law, except for the purposes for which the licence was issued, and may fix the licence fee for any class or classes of lodging house in accordance with a scale for each class or the number of inmates permitted in the lodging house.
- (c) A by-law of a county passed under this paragraph has no force in any local municipality in which a by-law passed by such local municipality is in force in respect of the same class or classes of lodging house.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

**27.**—(1) Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph:

Restricting  
number of  
animals that  
may be kept

- 1a. For restricting the number of domestic fowl or pigeons or cattle, goats, swine, horses, rabbits, mink, foxes or other animals that may be kept by any person within the municipality or defined areas thereof.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 49,  
re-enacted

(2) Paragraph 49 of subsection 1 of the said section 379, as amended by subsections 1, 2 and 3 of section 42 of *The Municipal Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Industrial  
sites

49. On the vote of three-fourths of all the members of the council, for acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Application  
of receipts  
where debt  
outstanding

- (a) Where land has been acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in

respect



respect of any services applied to the land, other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless the Department, upon the request of the council, approves the use of any of such moneys for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality.

R.S.O. 1960,  
c. 223

- (b) Any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Department of Municipal Affairs Act*, for the purposes of such board.

Use of  
land by  
municipality  
or sale to  
local board

R.S.O. 1960,  
c. 98

- (c) Where it appears to the council that any land acquired under *The Industrial Sites Act*, being chapter 268 of the Revised Statutes of Ontario, 1937, or under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may, with the approval of the Department, sell or dispose of the whole or any part of such lands for any purpose.

Disposal  
of land  
when no  
longer  
required

(3) Paragraph 88 of subsection 1 of the said section 379 is amended by adding thereto the following clause:

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 88,  
amended

- (e) It is sufficient compliance with subsection 1 of section 3 of *The Municipal Franchises Act* if a by-law passed under this paragraph receives the assent of the municipal electors in the defined area.

R.S.O. 1960,  
c. 255

(4) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph:

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

- 105a. For prohibiting the driving of a vehicle in a race and the driving of a vehicle at a speed in excess of 15 miles per hour on privately-owned parking lots upon which the public is invited to park vehicles, except privately-owned parking lots where a fee is charged for the privilege of parking vehicles.

Racing and  
speeding on  
parking lots



R.S.O. 1960,  
c. 172

(a) In this paragraph, "vehicle" means a vehicle as defined in *The Highway Traffic Act*.

(b) A by-law passed under this paragraph applies only to parking lots in respect of which the owner has filed with the clerk of the corporation written consent to the application of the by-law to his particular parking lot.

(c) No such by-law is effective in respect of a parking lot unless there is erected at each entrance thereto a sign clearly indicating the speed limit for vehicles and the prohibition against the racing of vehicles.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
amended

(5) Subsection 1 of the said section 379 is further amended by adding thereto the following paragraph:

Car washes

129a. For licensing, regulating and governing the owners or operators of car washes, and for revoking such licences.

(a) For the purpose of this paragraph, a car wash means a building or place where motor vehicles are washed, cleaned or polished for a fee or charge.

(b) This paragraph does not apply to an owner or operator licensed under a by-law passed under paragraph 127 or 128.

R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 134,  
repealed

(6) Paragraph 134 of subsection 1 of the said section 379 is repealed.

R.S.O. 1960,  
c. 249,  
s. 379a  
(1961-62,  
c. 86, s. 43),  
amended

**28.**—(1) Section 379a of *The Municipal Act*, as enacted by section 43 of *The Municipal Amendment Act, 1961-62* and amended by section 10 of *The Municipal Amendment Act, 1964*, is further amended by adding thereto the following subsections:

Principal  
trade

(1a) Where two or more classes of trades are carried on in a shop and at least 70 per cent of the total gross sales of the shop is derived from one trade, such trade is the principal trade carried on in the shop, and the class of such shop shall be determined in relation to such principal trade.

Gross sales

(1b) Where it is alleged that any person has contravened in any month any provision of a by-law passed under this section, the total gross sales of the shop for the purpose of determining the principal trade, if any,

carried

carried on therein is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding twelve months, and, if the shop has been in operation for less than twelve months, is the total dollar volume of gross sales of goods and services made, whether for cash or credit or part cash and part credit, by any person in the whole of the shop in the preceding month or months in which the shop was operated.

- (5a) The council of a city, town or village may by by-law require that all or any class or classes of shops in the municipality shall be closed and remain closed on all or any of the following days: Closing of shops on holidays

1. Any holiday as defined in *The Interpretation Act*. R.S.O. 1960, c. 191
2. Boxing Day.
3. Any day proclaimed by the head of the council of a local municipality as a civic holiday. R.S.O. 1960, c. 249, s. 379a

(2) Subsection 8 of the said section 379a is repealed and the following substituted therefor: (1961-62, c. 86, s. 43), subs. 8, re-enacted

- (8) A shop in which trades of two or more classes are carried on shall be closed for the purpose of all such trades during the hours and days during which the shop is by any such by-law required to be closed for the purpose of any one of such trades, unless it is shown by the occupier or other person having control of the opening and closing of such shop that, by reason of the principal trade being carried on in such shop, the shop is one of a class of shops that by the by-law is not required to be closed. Closing of shops in which several trades carried on

(3) The said section 379a is further amended by adding thereto the following subsection: R.S.O. 1960, c. 249, s. 379a (1961-62, c. 86, s. 43), amended

- (17) Any by-law passed under this section may require all classes of shops to close during certain hours or days, or both, and may exempt therefrom any class or classes of shops. Form of by-law

**29.** *The Municipal Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 249, amended

379d. By-laws passed under section 379a, 379b or 379c do not apply to service centres established on controlled-access highways under agreement with the Minister of Highways. Application of closing by-laws to service centres

Special charges to provide additional sewer or water supply capacity

379e.—(1) With the approval of the Municipal Board, councils of local municipalities may, by by-law, define the class or classes of buildings to be erected or enlarged after the effective date of the by-law that impose or may impose a heavy load on the sewer system or water system, or both, by reason of which expenditures are or may be required to provide additional sanitary or storm sewer or water supply capacity that in the opinion of a council would not otherwise be required, and may impose upon the owners of such buildings a special charge or charges over and above all other rates and charges to pay for all or part of the cost of providing the additional capacity.

Charges in by-law to refer to specific works

(2) The special charge or charges under any by-law shall refer specifically to sanitary sewers, storm sewers or water supply facilities, as the case may be.

Application of proceeds

(3) The proceeds of the charge or charges authorized by any such by-law shall be deemed to be a reserve fund established under section 298.

Charges a lien on land

(4) The by-law may provide that the charge or charges imposed under it are a lien upon the land on which the building is erected, and may be collected in the same manner and with the same remedies as provided by *The Assessment Act* for the collection of real property taxes.

R.S.O. 1960, c. 23

When charges may be made payable

(5) Any charge or charges to be imposed under the by-law may be made payable on an application for a building permit or at any time thereafter.

Exemptions

(6) The following are exempt from any charge or charges imposed under the by-law:

1. Every building on land exempt from taxation under any general or special Act.

2. Every building on land in respect of which an agreement has been entered into with the municipality under section 28 of *The Planning Act* or any predecessor thereof.

3. Every building or any land in respect of which a contribution to provide sanitary or storm sewers or water supply facilities has been made within the ten years previous to the application for a building permit, to the extent of the contribution so made.

R.S.O. 1960, c. 296

4. Every residential building having not more than two dwelling units.

5. Every building, other than a residential building, with an inside floor area of not more than 3,000 square feet.

**30.** Paragraph 18 of section 401 of *The Municipal Act* is repealed. R.S.O. 1960, c. 249, s. 401, par. 18, repealed

**31.** Subsection 4 of section 406 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 406, subs. 4, re-enacted

(4) A by-law passed under subsection 1 may provide for the deduction of a reasonable amount from the annual allowance because of absence from ordinary meetings of the council. Deduction for absence

**32.** Clause *c* of subsection 1 of section 459 of *The Municipal Act* is amended by adding at the end thereof "or for stopping up any highway or part of a highway for a specified period or periods of time", so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 459, subs. 1, cl. c, amended

(c) for stopping up any highway or part of a highway or for stopping up any highway or part of a highway for a specified period or periods of time.

**33.** Paragraph 3 of section 469 of *The Municipal Act* is amended by inserting after "sidewalks" in the ninth line "movable receptacles containing plants, shrubs or trees over or upon the sidewalks" and by inserting after "device" in the nineteenth line "receptacle", so that the paragraph, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 469, par. 3, amended

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway, and for permitting the owners of land to maintain and use signs and other advertising devices that project over the sidewalks, movable receptacles containing plants, shrubs or trees over or upon the sidewalks and canopies that project over the sidewalks, for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege con-



ferred by the by-law as the council may deem reasonable, and for providing that upon the termination of such privilege the highway shall be restored to its former condition at the expense of the owner of the land to which the privilege is appurtenant by filling in the area or opening, removing the bridge, structure, sign or other advertising device, receptacle or canopy, or otherwise as may be required by the by-law.

R.S.O. 1960,  
c. 249,  
ss. 487-490,  
repealed

**34.** Section 487, section 488, as amended by section 56 of *The Municipal Amendment Act, 1961-62*, and sections 489 and 490 of *The Municipal Act* are repealed.

R.S.O. 1960,  
c. 249, s. 498,  
subs. 2,  
amended

**35.** Subsection 2 of section 498 of *The Municipal Act* is amended by striking out "judge" in the first line and inserting in lieu thereof "Municipal Board", so that the subsection shall read as follows:

Application  
to O.M.B.

(2) Either party may at any time apply to the Municipal Board for a modification of the terms of the agreement or order.

R.S.O. 1960,  
c. 249, s. 514,  
re-enacted

**36.** Section 514 of *The Municipal Act* is repealed and the following substituted therefor:

Present  
corporation  
continued

514. Where the trustees of a police village have heretofore been created a body corporate, the corporation is hereby continued under its present name until dissolved.

R.S.O. 1960,  
c. 249, s. 522,  
amended

**37.** Section 522 of *The Municipal Act* is amended by adding thereto the following subsection:

Remunera-  
tion of  
trustees

(1a) The trustees appointed under subsection 1 shall be deemed to be members of a council under sections 405 and 406, and the chairman shall be deemed to be a head of a council under section 212.

Commence-  
ment

**38.**—(1) This Act, except sections 17 and 37, comes into force on the day it receives Royal Assent.

Idem

(2) Section 37 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Section 17 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**39.** This Act may be cited as *The Municipal Amendment Act, 1965*.



## CHAPTER 78

## An Act to amend The Municipal Arbitrations Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Arbitrations Act* is amended by striking out subsection 1, by renumbering subsections 2 and 3 as subsections 1 and 2 and by adding thereto the following subsections:

- (3) Where there is an Official Arbitrator for a municipality to which this Act applies,
- Claims  
against  
municipality  
having  
Official  
Arbitrator
- (a) all claims for compensation or damages for land expropriated or injuriously affected under *The Municipal Act*; and
- R.S.O. 1960,  
c. 249
- (b) all claims and questions arising under any lease or contract to which the municipality is a party and which by by-law or the terms of the lease or contract are to be determined by arbitration,

against the municipality or against such municipality and an adjoining municipality shall be heard and determined by the Official Arbitrator.

- (4) Where a claim is against a municipality and an adjoining municipality, each of which has an Official Arbitrator, neither municipality shall be deemed to have an Official Arbitrator.
- Claims  
against two  
municipalities  
having  
Official  
Arbitrators

2. Subsection 3 of section 2 of *The Municipal Arbitrations Act* is amended by striking out "subsection 2" in the second line and inserting in lieu thereof "subsection 1".

R.S.O. 1960,  
c. 250, s. 2,  
subs. 3,  
amended

3. Section 13 of *The Municipal Arbitrations Act* is repealed.

R.S.O. 1960,  
c. 250, s. 13,  
repealed

R.S.O. 1960,  
c. 250, s. 15,  
subs. 1,  
amended

**4.** Subsection 1 of section 15 of *The Municipal Arbitrations Act* is amended by inserting after "applies" in the first line "to cities having a population of not less than 100,000", so that the subsection shall read as follows:

Application  
of Act

- (1) This Act extends and applies to cities having a population of not less than 100,000, to The Municipality of Metropolitan Toronto, the County of York and to the Township of York, and to any municipality the council of which by by-law declares that it is desirable that the municipality be brought within the provisions of this Act, and in such case this Act shall be read as though it had been expressly applied to such municipality by the terms thereof.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Municipal Arbitrations Amendment Act, 1965*.

## CHAPTER 79

## An Act to amend The Municipal Franchise Extension Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 6 of *The Municipal Franchise Extension Act* <sup>R.S.O. 1960, c. 254, s. 6, amended</sup> is amended by inserting after "council" in the third line "and on questions upon which the opinion of the electors is to be obtained where no expenditure of funds would result from an affirmative vote", so that the section shall read as follows:

6. The certified resident voters' list is final and conclusive evidence that every person named thereon <sup>Effect of certified list</sup> is entitled to vote at municipal elections for members of council and on questions upon which the opinion of the electors is to be obtained where no expenditure of funds would result from an affirmative vote, except,
- (a) persons not resident in the municipality on the day of polling; and
  - (b) persons guilty of corrupt practices at or in respect of the election in question, or since the list was certified.

**2.** *The Municipal Franchise Extension Act* is amended by <sup>R.S.O. 1960, c. 254, amended</sup> adding thereto the following section:

- 6a. Notwithstanding any other Act, the persons named on the certified resident voters' list are not entitled to vote at a municipal election on any matter not specifically mentioned in section 6. <sup>Right to vote on matters mentioned</sup>

**3.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**4.** This Act may be cited as *The Municipal Franchise Extension Amendment Act, 1965*. <sup>Short title</sup>



## CHAPTER 80

**An Act to amend  
The Municipal Franchises Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Clause *e* of subsection 1 of section 6 of *The Municipal Franchises Act* is repealed. R.S.O. 1960,  
c. 255, s. 6,  
subs. 1,  
cl. *e*,  
repealed
- 2.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 3.** This Act may be cited as *The Municipal Franchises Amendment Act, 1965*. Short title





## CHAPTER 81

## An Act to amend The Municipality of Metropolitan Toronto Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 260, s. 2,  
amended

(4) The Metropolitan Corporation shall be deemed to be a municipality as defined in *The Department of Municipal Affairs Act* for the purposes of *The Expropriation Procedures Act, 1962-63.* Deemed  
municipality  
under  
R.S.O. 1960,  
c. 98  
1962-63,  
c. 43

**2.** Subsection 1 of section 24 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "section 240" in the second line and inserting in lieu thereof "sections 240 and 248c", so that the subsection shall read as follows: R.S.O. 1960,  
c. 260, s. 24,  
subs. 1,  
amended

(1) Sections 217, 234 and 236, subsections 4 and 5 of section 238, sections 240 and 248c and paragraphs 59, 60 and 61 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation. Application  
of  
R.S.O. 1960,  
c. 249

**3.** *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 260,  
amended

117a. In clauses *a* and *b* of subsection 1 of section 116 and in subsection 1 of section 118, "Metropolitan Area" shall be deemed to include the whole of Steeles Avenue where it is a boundary of an area municipality. Interpre-  
tation

**4.** Subsection 1 and subsection 2, as amended by section 3 of *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*, of section 123 of *The Municipality of Metropolitan Toronto Act* are repealed and the following substituted therefor: R.S.O. 1960,  
c. 260, s. 123,  
subss. 1, 2,  
re-enacted

Tax  
exemption  
re Bloor-  
Danforth-  
University  
Avenue  
Subway and  
subsequent  
rapid transit  
projects

- (1) So long as the lands and easements heretofore or hereafter acquired by the Metropolitan Corporation for the right of way of the extension to the rapid transit system of the Commission known as the Bloor-Danforth-University Avenue Subway or for the right of way of any other rapid transit project undertaken subsequent to the undertaking of the Bloor-Danforth-University Avenue Subway are owned by the Metropolitan Corporation and used by the Commission for the purpose of rapid transit, such lands and easements and any buildings and structures thereon so owned and used are exempt from business and real property taxation, and the Commission is not liable for payments in lieu thereof under section 43 of *The Assessment Act*.

R.S.O. 1960,  
c. 23

Application

- (2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway or rapid transit project nor to concessions operated, rented or leased in subway or rapid transit stations.

R.S.O. 1960,  
c. 260, s. 139,  
subs. 2,  
amended

- 5.** Subsection 2 of section 139 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "and" at the end of clause *e*, by adding "and" at the end of clause *f* and by adding thereto the following clause:

(g) municipal inspectorates.

R.S.O. 1960,  
c. 260,  
amended

- 6.** *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Liability  
under order  
made under  
R.S.C. 1952,  
c. 160

- 164a. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Metropolitan Corporation, and the sums of money required to be paid under such order shall be paid by the Metropolitan Corporation and not by the area municipality.

R.S.O. 1960,  
c. 260, s. 237,  
amended

- 7.** Section 237 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Interest  
on proceeds  
transferred

- (2a) The Metropolitan Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

R.S.O. 1960,  
c. 260,  
amended

- 8.** *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

258a. The Metropolitan Corporation may assume the whole or any part of the capital and operating costs of the fire boat and the marine fire boat station of the City of Toronto. <sup>Assumption of costs of fire boat</sup>

9. The Metropolitan Council may make the following <sup>Grants</sup> grants:

1. \$15,500 to the Pentecostal Benevolent Association of Ontario toward the cost of the Bethel Home for Unwed Mothers.
2. \$325,500 payable over a term of five years, commencing in the year 1965, to the Jewish Home for the Aged toward the cost of constructing the Home.
3. \$5,000 to Mrs. Sally Blanc, widow of the late John Blanc.
4. \$12,000 to the Metropolitan Toronto Convention and Visitor Association toward the cost of the production of a film on Metropolitan Toronto.
5. \$50,000 to the Sisters of St. Joseph towards the cost of operating Providence Villa Home for the Aged.

10.—(1) This Act, except sections 1, 5 and 7, comes into <sup>Commence-</sup>force on the day it receives Royal Assent.

(2) Section 1 shall be deemed to have come into force on the <sup>Idem</sup>1st day of January, 1964.

(3) Sections 5 and 7 shall be deemed to have come into <sup>Idem</sup>force on the 1st day of January, 1965.

11. This Act may be cited as *The Municipality of Metro-* <sup>Short title</sup>  
*politan Toronto Amendment Act, 1965.*





## CHAPTER 82

**An Act to amend The Nurses Act, 1961-62**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *d* of section 3 of *The Nurses Act, 1961-62* is <sup>1961-62,</sup> repealed and the following substituted therefor: <sub>c. 90, s. 3,  
cl. d,  
re-enacted</sub>

(*d*) members appointed by the Ontario Association of Registered Nursing Assistants in accordance with the regulations.

**2.** This Act may be cited as *The Nurses Amendment Act,* <sup>Short title</sup>  
*1965.*



## CHAPTER 83

**An Act to amend  
The Ontario Energy Board Act, 1964**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 19 of *The Ontario Energy Board Act, 1964* is <sup>1964, c. 74, s. 19, amended</sup> amended by adding thereto the following subsections:

(1a) In approving or fixing rates and other charges under subsection 1, the Board shall determine a rate base <sup>Board to determine rate base</sup> for the property of the transmitter, distributor or storage company that is used or useful in serving the public, and shall determine whether the return on such rate base produced or to be produced by such rates and other charges is reasonable.

(1b) The rate base to be determined by the Board under subsection 1a shall be the total of, <sup>Formula for determining rate base</sup>

(a) an amount for the property, plant and equipment equal to the actual cost thereof to the present owner, less an amount deemed adequate by the Board for depreciation, amortization and depletion, but,

(i) if the actual cost to the present owner of any property, plant or equipment cannot be ascertained, the amount to be included in the rate base as the actual cost thereof shall be determined or calculated by the Board from the evidence adduced at the hearing, and

(ii) if the actual cost to the present owner of any property, plant or equipment used or useful in serving the public was, in the opinion of the Board, excessive,

the

the amount to be included in the rate base as the actual cost thereof shall be determined by the Board from the evidence adduced at the hearing;

- (b) an amount that represents a reasonable allowance for working capital; and
- (c) such other amounts as, in the opinion of the Board, ought to be included.

1964, c. 74,  
s. 27,  
re-enacted

**2.** Section 27 of *The Ontario Energy Board Act, 1964* is repealed and the following substituted therefor:

Rules and  
regulations  
of Board

27.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board may,

- (a) make rules regulating its practice and procedure;
- (b) prescribe classes of distributors, transmitters and storage companies;
- (c) require and provide for the making of returns, statements or reports by any class of distributors, transmitters or storage companies, or any associates thereof, in such form, and containing such matters and verified in such manner, as the Board may prescribe;
- (d) prescribe a uniform system of accounts applicable to any class of distributors, transmitters or storage companies.

Idem,  
uniform  
system of  
accounts

- (2) Any uniform system of accounts prescribed under clause *d* of subsection 1 may require the approval, consent or determination of the Board in respect of any of the matters provided for in such system.

1964, c. 74,  
s. 35, subs. 1,  
cls. *g-j*,  
repealed

**3.** Clauses *g*, *h*, *i* and *j* of subsection 1 of section 35 of *The Ontario Energy Board Act, 1964* are repealed.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Ontario Energy Board Amendment Act, 1965*.

## CHAPTER 84

**An Act to amend  
The Ontario Housing Corporation Act, 1964**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 3 of section 2 of *The Ontario Housing Corporation Act, 1964* is repealed and the following substituted therefor: 1964, c. 76, s. 2, subs. 3, re-enacted

(3) The fiscal year of the Corporation commences on the 1st day of January in each year and ends on the 31st day of December next following. Fiscal year

**2.** Notwithstanding subsection 3 of section 2 of *The Ontario Housing Corporation Act, 1964*, the fiscal year of the Corporation that commenced on the 1st day of April, 1965, shall end on the 31st day of December, 1965. Termination of current fiscal year

**3.** This Act may be cited as *The Ontario Housing Corporation Amendment Act, 1965*. Short title





## CHAPTER 85

**An Act to amend  
The Ontario Human Rights Code, 1961-62**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Ontario Human Rights Code, 1961-62* <sup>1961-62, c. 93, s. 2, amended</sup> is amended by adding at the end thereof "or of any other person or class of persons", so that the section shall read as follows:

**2.** No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall, <sup>Discrimination prohibited in places to which public admitted</sup>

(a) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted; or

(b) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

**2.** Clauses *a* and *b* of section 3 of *The Ontario Human Rights Code, 1961-62* <sup>1961-62, c. 93, s. 3, re-enacted</sup> are repealed and the following substituted therefor:

(a) deny to any person or class of persons occupancy of any commercial unit or any apartment in any building that contains more than three self-contained dwelling units; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy

of any commercial unit or any apartment in any building that contains more than three self-contained dwelling units.

1961-62,  
c. 93,  
amended

**3.** *The Ontario Human Rights Code, 1961-62* is amended by adding thereto the following section:

Prohibitions  
apply to  
Crown  
R.S.O. 1960,  
c. 326

5a. Subject to section 1 of *The Public Officers Act*, the prohibitions contained in this Part apply to and bind the Crown in right of Ontario and every agency thereof.

1961-62,  
c. 93, s. 18,  
amended

**4.** Section 18 of *The Ontario Human Rights Code, 1961-62* is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:

(a) "commercial unit" means any building or other structure or part thereof that is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or any space that is used or occupied or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in any building or other structure or in a part thereof.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1965*.

## CHAPTER 86

**An Act to establish  
The Ontario Institute for Studies in Education**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,Interpre-  
tation

- (a) "Board" means The Board of Governors of The Ontario Institute for Studies in Education;
- (b) "Institute" means The Ontario Institute for Studies in Education;
- (c) "Minister" means the Minister of Education.

**2.** A college to be known as "The Ontario Institute for Studies in Education" is hereby established, and the affairs of the Institute shall be under the management and control of the Board.

Institute  
established**3.** The objects of the Institute are,

Objects

- (a) to study matters and problems relating to or affecting education, and to disseminate the results of and assist in the implementation of the findings of educational studies;
- (b) to establish and conduct courses leading to certificates of standing and graduate degrees in education.

**4.—(1)** There shall be a board of governors, which is hereby constituted a body corporate under the name "The Board of Governors of The Ontario Institute for Studies in Education".

Board  
established**(2)** The Board shall be composed of,

Composition

- (a) the Director of the Institute; and

(b)

(b) the following members appointed by the Lieutenant Governor in Council upon the recommendation of the Minister:

- (i) representatives of the teacher-training institutions of Ontario,
- (ii) representatives of the University of Toronto, nominated by its President,
- (iii) representatives of the provincially-assisted universities of Ontario, nominated by the Committee of Presidents of Provincially Assisted Universities of Ontario,
- (iv) representatives of the Department of Education,
- (v) representatives of the Ontario Teachers' Federation, nominated by its Board of Governors,
- (vi) representatives of the Ontario School Trustees' Council, nominated by its Council,
- (vii) representatives of provincial associations of directors of education, school superintendents and inspectors, nominated by the associations,
- (viii) persons who are residents of Ontario,
- (ix) members of the administrative and instructional staff of the Institute, in addition to the Director.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) fixing the number of members of the Board to be appointed under clause *b* of subsection 2 and prescribing their terms of office;
- (b) prescribing the conditions of service of members of the Board, including rules for eligibility for re-appointment, conditions under which membership is vacated and procedures for filling vacancies on the Board.

Expenses of members

(4) The members of the Board may be paid such amounts for travelling and other expenses incurred in carrying out their duties as the Board, subject to the approval of the Minister, determines from time to time.



**5.** The Board may,Powers of  
Board

- (a) make such by-laws, rules and regulations as are deemed expedient for the administration of its affairs, including the fixing of a quorum of the Board, and may prescribe tuition fees for courses offered by the Institute and the powers and duties of the academic council;
- (b) appoint, promote, transfer or remove such members of the administrative staff, instructional staff and maintenance staff as are necessary for the proper conduct of the affairs of the Institute, and fix their salaries or remuneration and increments and define their duties, qualifications and tenure of office or employment;
- (c) appoint a Director, who in the first instance shall be a person recommended by the Minister, and other officers and prescribe their powers and duties and fix their salaries or remuneration and tenure of office or employment;
- (d) appoint by resolution a member or members of the Board, or any other person or persons, to execute on behalf of the Board any documents and other instruments in writing and to affix the corporate seal of the Board thereto;
- (e) appoint committees from the membership of the Board and confer upon any of such committees authority to act for the Board with respect to any matter or classes of matters;
- (f) with the approval of the Minister,
  - (i) provide for the retirement and superannuation of persons mentioned in clauses *b* and *c*,
  - (ii) provide for payments by way of gratuities, retirement allowances, accumulative sick leave allowances, superannuation allowances, pensions, annuities, life insurance or health insurance, or any combination thereof, payable to any representative or for the benefit of the persons mentioned in clauses *b* and *c*, or any class or classes thereof, out of a fund or funds comprising contributions made by such persons, or any class or classes thereof, or by the Board, or both, or otherwise,

(iii)

- (iii) expend such sums as may be required for the purposes of funds that are established for the payment of gratuities, retirement allowances, pensions, life insurance or health insurance, for the benefit of the persons mentioned in subclause ii,
- (iv) make arrangements for the use by the Institute of any publicly-supported educational institution for demonstration or experimental purposes or for the services of one or more teachers in such educational institution in the conduct of any demonstration or experiment or other research study,
- (v) enter into agreements with any association or organization having objects similar to those of the Institute providing for the joint operation of research programmes, and
- (vi) enter into agreements of affiliation with one or more universities relating to the establishment and conduct of programmes leading to degrees in education.

Chairman,  
vice-  
chairman

**6.**—(1) The Board shall elect a chairman and vice-chairman from among its members for a period of one year, but the chairman and vice-chairman shall continue to hold office until their successors are elected.

Presiding  
officer

(2) The chairman shall preside at all meetings of the Board and, in his absence, the vice-chairman shall preside, and, in the absence of both the chairman and vice-chairman, the members present at a meeting shall elect one of themselves to preside.

Academic  
council

**7.** The Board shall establish an academic council composed of any class of instructional staff and officers of the Institute with such powers and duties as may be prescribed by by-law of the Board.

Fiscal  
year

**8.** The fiscal year of the Board shall extend from the 1st day of July of any year to the 30th day of June of the following year.

Cost

**9.** The cost of the establishment, maintenance and conduct of the Institute shall be payable, until the 30th day of June, 1966, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature and out of revenues derived from tuition fees, grants from individuals and organizations and from other sources.

**10.** The accounts and financial transactions of the Board <sup>Audit</sup> shall be audited annually by an auditor or auditors appointed by the Board.

**11.** The Institute shall make a report annually to the <sup>Annual report</sup> Minister upon the affairs of the Institute, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

**12.** The real and personal property, business and income <sup>Tax exemption</sup> of the Board are not subject to taxation for provincial or municipal or school purposes.

**13.** The government, conduct, management and control of the Department of Educational Research and the Department of Graduate Studies of the Ontario College of Education, and all personal property that, immediately before the 1st day of July, 1966, is under the supervision of such departments or is provided for the use of such departments or for the use of students supervised by such departments, are hereby transferred, as of that date, to the Board. <sup>Transfer of research and graduate studies departments of Ontario College of Education</sup>

**14.** *The Teachers' Superannuation Act* applies to the instructional staff of the Institute in the same manner as if the <sup>Super-annuation</sup> Institute were specified by name in subclause v of clause d of <sup>R.S.O. 1960, c. 392</sup> section 1 of that Act.

**15.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**16.** This Act may be cited as *The Ontario Institute for* <sup>Short title</sup> *Studies in Education Act, 1965.*



## CHAPTER 87

**An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$150,000,000. Loans up to \$150,000,000 authorized

R.S.O. 1960,  
c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act. Idem

**2.** Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon. Idem



Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Ontario Loan Act, 1965*.

## CHAPTER 88

**An Act to amend The Ontario  
Mental Health Foundation Act, 1960-61**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part II of *The Ontario Mental Health Foundation Act*, 1960-61, c. 67, as enacted by section 3 of *The Ontario Mental Health Foundation Amendment Act, 1964*, is repealed and the following substituted therefor: Part II (1964, c. 80, s. 3), re-enacted

## PART II

## CLARKE INSTITUTE OF PSYCHIATRY

12a. The corporation known as The Dr. C. K. Clarke Institute of Psychiatry is hereby continued under the name "Clarke Institute of Psychiatry", in this Part referred to as the "Institute". Clarke Institute of Psychiatry

12b.—(1) The Institute shall consist of not fewer than Members seven and not more than twelve persons to be appointed by the Lieutenant Governor in Council, of whom two shall be appointed upon the recommendation of the Minister of Health, at least two shall be members of the Foundation, and the remainder shall be appointed from among a list of persons nominated by the Foundation, and the persons who constitute the Institute also constitute the board of trustees of the Institute, in this Part referred to as the "Board".

(2) A member of the Institute shall hold office for three Term of office years and is eligible for re-appointment for a second term of three years, but a member other than the chairman is not eligible for re-appointment after having served a second term of three years until a period of twelve months has elapsed from the date of his retirement.

Vacancies	(3) The Lieutenant Governor in Council may fill any vacancies that occur from time to time in the membership of the Institute in accordance with the method of appointment prescribed by subsection 1.
Quorum	12c. One-half of the total number of members of the Institute constitutes a quorum for the transaction of business at a meeting.
Chairman	12d. The Lieutenant Governor in Council may appoint a member of the Foundation, or a member of the Institute appointed upon the nomination of the Foundation, as chairman of the Institute, who shall on appointment also be the chairman of the Board.
Objects	12e. The objects of the Institute are to maintain, manage and operate a hospital with facilities for psychiatric research, education, diagnosis and treatment.
Agreements with universities	12f.—(1) Subject to the approval of the Foundation, the Institute may enter into agreements with any university for providing teaching or research facilities for that university in the hospital maintained and operated under this Act.
Other agreements	(2) The Institute may enter into agreements with the Foundation or any university, medical association, hospital or any person for the purpose of carrying out the objects of the Institute.
Director and staff	12g. The Institute may employ a director and such staff as may from time to time be required for the purposes of the Institute and may pay such director and staff such remuneration as it deems proper out of its funds.
By-laws, etc.	12h. Subject to the approval of the Foundation, the Institute may make such by-laws, rules or regulations as are deemed expedient for the administration of its affairs.
Funds	12i.—(1) The funds of the Institute consist of moneys received by it from any source, including the Foundation, and the Institute may disburse, expend or otherwise deal with any of its funds in such manner, not contrary to law, as it deems proper.
Estimates	(2) The Institute shall annually prepare and submit to the Foundation the estimates of the moneys required for its purposes during its ensuing fiscal year.

- 12j. The real and personal property, business and income of the Institute are not subject to taxation for municipal or provincial purposes. <sup>Exemption from taxation</sup>
- 12k. The members of the Institute may be paid such amounts for travelling and other expenses incurred in the work of the Institute as the Institute determines from time to time. <sup>Expenses</sup>
- 12l. The accounts and financial transactions of the Institute shall be audited annually by the Provincial Auditor or by such other auditor as the Lieutenant Governor in Council appoints. <sup>Audit</sup>
- 12m.—(1) The Institute shall, after the close of each fiscal year, make a report on its affairs during the preceding year to the Minister of Health and to the Foundation, and every such report shall contain a financial statement, certified by the auditor, showing all moneys received and disbursed by the Institute during the preceding year. <sup>Annual report</sup>
- (2) The Minister of Health shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. <sup>Idem</sup>
- 12n.—(1) The Institute may admit any person, <sup>Admission to Institute</sup>
- (a) upon his own oral or written application;
- (b) in the case of any person under the age of sixteen years, upon the oral or written application of a parent or the person who stands *in loco parentis* to the person seeking admission.
- (2) For the purposes of this Part, <sup>Application of R.S.O. 1960, cc. 236, 307, 315</sup>
- (a) sections 16, 22, 23, 25, 28 to 33, 35, 37 to 40, 42, 43 and 45 to 48 of *The Mental Hospitals Act*;
- (b) sections 13 to 15, subsections 1 and 2 of section 20, subsection 3 of section 24, sections 37, 38, 42 to 44 and 53 of *The Private Sanitaria Act*; and
- (c) sections 9, 16 and 19 of *The Psychiatric Hospitals Act*,

apply *mutatis mutandis* to the Institute, and, for the purposes of this subsection, the Institute shall be deemed to be an institution, sanitarium or psychiatric hospital, as the case may be, and the psychiatrist designated by the Board may exercise all the powers conferred on, and perform all the functions exercisable by, the superintendent of an institution, sanitarium or psychiatric hospital, as the case may be.

Accommodation  
available

- (3) Notwithstanding subsections 1 and 2, a person may be admitted to the Institute only after the Institute has informed the applicant that accommodation is available for the person to be admitted.

Transfer  
to public  
hospital

- 12o. A patient in the Institute may be transferred to a public hospital for treatment and may be returned to the Institute upon the conclusion of the treatment.

Administra-  
tion of  
patient's  
property

- 12p.—(1) If, at any time after the admission to the Institute of a person as a patient, the Institute finds that such person has real or personal property that requires to be administered, section 18 of *The Psychiatric Hospitals Act* applies *mutatis mutandis*.

R.S.O. 1960,  
c. 315

Applications  
under  
R.S.O. 1960,  
c. 237,  
not affected

- (2) Nothing in subsection 1 shall be construed as preventing or prohibiting any person from making an application under *The Mental Incompetency Act*.

Charges for  
services

- 12q. The Board may prescribe and collect charges for its services to a person who is or has been a patient in the Institute.

Limitation  
of actions

- 12r.—(1) All actions against any person for anything done or omitted to be done in pursuance or in purported pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Torts of  
patients

- (2) No action lies against the Institute or an officer, employee or servant thereof for a tort of a patient.

Commence-  
ment

- 2.** This Act comes into force on the day it receives Royal Assent.

Short title

- 3.** This Act may be cited as *The Ontario Mental Health Foundation Amendment Act, 1965*.



## CHAPTER 89

## An Act to amend The Ontario Municipal Board Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 2 of section 64 of *The Ontario Municipal Board Act*, as re-enacted by subsection 2 of section 1 of *The Ontario Municipal Board Amendment Act, 1962-63*, is amended by adding “or” at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1960,  
c. 274, s. 64,  
subs. 2  
(1962-63,  
c. 97, s. 1,  
subs. 2),  
amended

(c) to contracts made by a district assessor.

(2) Subsection 3 of the said section 64 is amended by inserting after “subsection 1” in the fifth line “or of section 65”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 274, s. 64,  
subs. 3,  
amended

(3) The passing of a by-law by a council to authorize or to exercise any of its powers to proceed with, or to provide any money for, any undertaking, work, project, scheme, act, matter or thing referred to in subsection 1 shall not be deemed to be in contravention of subsection 1 or of section 65 if such by-law contains a provision to the effect that the by-law shall not take effect until the approval of the Board under subsection 1 has been obtained.

By-law  
passed not  
to be in  
contraven-  
tion of  
subs. 1 or  
s. 65

**2.** Section 94 of *The Ontario Municipal Board Act*, as re-enacted by subsection 1 of section 3 of *The Ontario Municipal Board Amendment Act, 1961-62*, is amended by striking out “sixty” in the third line and inserting in lieu thereof “twenty-eight”, so that the section shall read as follows:

R.S.O. 1960,  
c. 274, s. 94  
(1961-62,  
c. 96, s. 3,  
subs. 1),  
amended

94. Upon the petition of any party or person interested, filed with the clerk of the Executive Council within twenty-eight days after the date of any order or decision of the Board, the Lieutenant Governor in Council may, vary or rescind orders

(a)

(a) confirm, vary or rescind the whole or any part of such order or decision; or

(b) require the Board to hold a new public hearing of the whole or any part of the application to the Board upon which such order or decision of the Board was made,

and the decision of the Board after the public hearing ordered under clause *b* is not subject to petition under this section.

Commence-  
ment

**3.**—(1) This Act, except subsection 1 of section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 1 of section 1 shall be deemed to have come into force on the 8th day of May, 1964.

Short title

**4.** This Act may be cited as *The Ontario Municipal Board Amendment Act, 1965*.

## CHAPTER 90

# An Act to amend The Ontario Municipal Employees Retirement System Act, 1961-62

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 1 of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as amended by subsection 1 of section 1 of *The Ontario Municipal Employees Retirement System Amendment Act, 1964*, is further amended by striking out "*The Power Commission Insurance Act*" in the fourth and fifth lines, so that the clause shall read as follows:

(e) "employee" means any person who is employed by an employer, and includes a district assessor and any person employed by him, but does not include any person who contributes to a pension plan under *The Teachers' Superannuation Act* or *The Public Service Superannuation Act*. R.S.O. 1960, cc. 392, 332

**2.** Section 15a of *The Ontario Municipal Employees Retirement System Act, 1961-62*, as enacted by section 2 of *The Ontario Municipal Employees Retirement System Amendment Act, 1964*, is amended by adding at the end thereof "and any amount of money accumulated from time to time in the administration of such plan or fund under such an agreement that is not required for the current expenditures of such plan or fund may be deposited in the Fund, and such plan or fund shall be credited with the interest received by the Board from the investment of the moneys so deposited", so that the section shall read as follows:

15a. The Board may, with the approval of the Lieutenant Governor in Council, enter into an agreement to manage and administer any pension plan or fund to which the other provisions of this Act do not apply and to recover the cost of such management and administration from such plan or fund, and any

amount

amount of money accumulated from time to time in the administration of such plan or fund under such an agreement that is not required for the current expenditures of such plan or fund may be deposited in the Fund, and such plan or fund shall be credited with the interest received by the Board from the investment of the moneys so deposited.

Commence-  
ment

**3.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on the 1st day of January, 1966.

Short title

**4.** This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1965*.

## CHAPTER 91

# An Act to amend The Ontario Water Resources Commission Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 8 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 8, re-enacted

8.—(1) Except as provided in subsection 2, a majority Quorum of the members of the Commission constitutes a quorum.

(2) For the purposes of,

Idem

(a) subsections 2, 2a, 4 and 5 of section 28a;

(b) subsections 1 and 3 of section 28b;

(c) subsections 1 and 2 of section 28c;

(d) subsections 1, 2 and 4 of section 29;

(e) subsections 1 and 3 of section 30;

(f) subsections 1 and 3 of section 31;

(g) subsection 5 of section 39; and

(h) authorizing agreements in respect of projects under section 39,

two members of the Commission constitute a quorum.

**2.** Section 28a of *The Ontario Water Resources Commission Act*, as enacted by section 3 of *The Ontario Water Resources Commission Amendment Act, 1960-61*, is amended by adding R.S.O. 1960, c. 281, s. 28a (1960-61), c. 71, s. 3, amended thereto the following subsection:

(1a)



Idem

- (1a) In subsection 2a, the reference to the taking of water for the watering of live stock or poultry does not include the taking of surface water into storage for the watering of live stock or poultry.

R.S.O. 1960,  
c. 281, s. 31,  
subs. 4  
(1961-62,  
c. 99, s. 9),  
cl. e,  
re-enacted

3. Clause e of subsection 4 of section 31 of *The Ontario Water Resources Commission Act*, as enacted by section 9 of *The Ontario Water Resources Commission Amendment Act*, 1961-62, is repealed and the following substituted therefor:

1962-63,  
c. 39

R.S.O. 1960,  
cc. 47, 171

R.S.O. 1950,  
c. 131

- (e) to a drainage works under *The Drainage Act*, 1962-63, *The Cemeteries Act*, *The Highway Improvement Act* or *The Railways Act*.

R.S.O. 1960,  
c. 281, s. 38,  
amended

4. Section 38 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following subsection:

Power of  
Commission  
to imple-  
ment report

- (3) Where the municipality fails to do every act and thing in its power to implement a report made to it under subsection 1 forthwith after receipt of the report, the Commission, with the approval of the Board, may direct that whatever is necessary to implement the report be done at the expense of the municipality, and the Commission may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Commission by such municipality.

R.S.O. 1960,  
c. 281, s. 40,  
subs. 1,  
par. 1, cl. c,  
re-enacted

5.—(1) Clause c of paragraph 1 of subsection 1 of section 40 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

- (c) the total amount in each such year placed by the Commission to the credit of the reserve account referred to in subsection 1 of section 43 in respect of such project or an amount equal to 1½ per cent of the cost of such project, whichever is less, and such additional amount as may be approved by the municipality or municipalities.

R.S.O. 1960,  
c. 281, s. 40,  
amended

(2) The said section 40 is amended by adding thereto the following subsection:

Interest and  
expenses of  
debt service

- (1a) In respect of agreements under section 39 entered into after the 31st day of December, 1965, the interest and expenses of debt service payable by the Commission referred to in clause a of paragraph 1 of subsection 1 shall, in each year during the currency of the agreement, be the amount calculated by applying the average rate of such interest and expenses paid by the Commission to the Treasurer of Ontario in respect of the project.

6. Subsection 1 of section 43 of *The Ontario Water Resources Commission Act* is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1960,  
c. 281, s. 43,  
subs. 1,  
amended

- (c) to provide for capital expenditures for the improvement of the project in relation to its operation and appearance.

7.—(1) Subsection 1 of section 45 of *The Ontario Water Resources Commission Act* is amended by striking out "three" in the fourth line and inserting in lieu thereof "not fewer than two and not more than four", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 281, s. 45,  
subs. 1,  
amended

- (1) The moneys from time to time in the Commission Reserve Account and in the Commission Debt Retirement Account shall be invested by an investment committee composed of not fewer than two and not more than four persons appointed by the Lieutenant Governor in Council, any of whom may be paid out of the funds of the Commission such remuneration as the Lieutenant Governor in Council may determine.

Investment  
committee

(2) Subsection 4 of the said section 45 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 45,  
subs. 4,  
re-enacted

- (4) Two members of the investment committee constitute a quorum.

Quorum

8. Section 50 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 281, s. 50,  
re-enacted

- 50.—(1) If an industrial or commercial enterprise makes arrangements for the collection, transmission, treatment or disposal of sewage that are deemed unsatisfactory by the Commission, or makes no arrangements for the collection, transmission, treatment or disposal of sewage, the Commission, with the approval of the Minister, may require such industrial or commercial enterprise,

Sewage  
disposal

- (a) to make investigations and submit reports to the Commission in respect of the collection, transmission, treatment or disposal of sewage;
- (b) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and

(c)

(c) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Commission.

Offence

- (2) Every industrial or commercial enterprise that contravenes a direction or requirement of the Commission under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day the contravention continues.

R.S.O. 1960,  
c. 281,  
amended

**9.**<sup>77</sup> *The Ontario Water Resources Commission Act* is amended by adding thereto the following sections:

Fees for  
approval

55. Upon the issuance or alteration of a permit or the giving of approval by the Commission under this Act, there shall be paid to the Commission such fees as the Commission may determine, in each case having regard amongst other things to the time occupied by the Commission and its employees in respect of such issuance, alteration or approval, and the terms and conditions in respect thereof.

Fees for  
copies

56. The Commission may charge and collect such fees as it deems proper for all copies of documents, maps, plans or drawings supplied by the Commission.

False  
information

57. Every person who gives false information in any application, return or statement made to the Commission in respect of any matter under this Act or the regulations made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1965*.

## CHAPTER 92

**The Operating Engineers Act, 1965**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

1. "Board" means the Board of Examiners appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 1.
2. "boiler" means a pressure vessel that may be used at greater than atmospheric pressure,
  - i. to generate or heat steam, or
  - ii. to heat water to a temperature less than its boiling point at the maximum pressure within the vessel,and includes any pipe, fitting and other equipment attached thereto or used in connection therewith;  
*New.*
3. "brake horse-power" means the effective or useful horse-power developed by a prime mover as measured by a weigh scale and a brake applied to its driving shaft or by other means approved by the chief officer, and one brake horse-power is equivalent to 2,544 British thermal units per hour or to 0.02544 Therm-hours; R.S.O. 1960, c. 282, s. 1, par. 2, *amended*.
4. "certificate of qualification" means a subsisting certificate of qualification issued under this Act to an operating engineer or an operator; R.S.O. 1960, c. 282, s. 1, par. 3, *amended*.
5. "certificate of registration" means a subsisting certificate of registration issued under this Act for a plant; R.S.O. 1960, c. 282, s. 1, par. 4, *amended*.



6. "chief operating engineer" means an operating engineer who at all times has charge of and the responsibility for the safe operation of a plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations; R.S.O. 1960, c. 282, s. 1, par. 5, *amended*.
7. "chief operator" means an operator or an operating engineer who at all times has charge of and the responsibility for the safe operation of a compressor plant or a refrigeration plant, and has such other powers and duties respecting the plant and persons therein as are prescribed in this Act and the regulations; R.S.O. 1960, c. 282, s. 1, par. 6, *amended*.
8. "compressor plant" means an installation comprised of one or more compressors with prime movers and the equipment used in connection therewith for compressing but not liquefying air or any other gas to a pressure of more than 15 where the total Therm-hour rating of all such prime movers is more than 1.908; R.S.O. 1960, c. 282, s. 1, par. 7, *amended*.
9. "hoisting plant" means a hoist equipped with,
  - i. a drum and a hoisting rope or chain, or
  - ii. a hydraulic pump,  
that is driven by a prime mover or movers other than steam and that is used for raising, lowering or swinging material where the total Therm-hour rating of the prime mover or movers is,
    - iii. more than 1.137 for internal combustion engines, or
    - iv. 0.636 for other types of prime movers;  
R.S.O. 1960, c. 282, s. 1, par. 9, *amended*.
10. "inspector" means an inspector appointed for the purposes of this Act; R.S.O. 1960, c. 282, s. 1, par. 12.
11. "low-pressure stationary plant" means an installation comprised of one or more boilers,
  - i. containing steam at a pressure of 15 or less, or
  - ii.



- ii. containing water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F.,

and in addition a low-pressure stationary plant may have one or more compressors and one or more refrigeration compressors, and the total Therm-hour rating of all such boilers and compressors is more than 50; R.S.O. 1960, c. 282, s. 1, par. 13, *amended*.

- 12. "Minister" means the Minister of Labour; R.S.O. 1960, c. 282, s. 1, par. 14.
- 13. "operating engineer" or "operator" means a person who is the holder of a certificate of qualification; R.S.O. 1960, c. 282, s. 1, par. 15, *amended*.
- 14. "plant" means a stationary power-plant, low-pressure stationary plant, steam-powered plant, compressor plant, refrigeration plant or any combination thereof, or a hoisting plant, steam hoisting plant, a portable compressor plant or a temporary heating plant; R.S.O. 1960, c. 282, s. 1, par. 17, *amended*.
- 15. "pressure" means pressure in pounds per square inch above normal atmospheric pressure; R.S.O. 1960, c. 282, s. 1, par. 18, *amended*.
- 16. "pressure vessel" means a vessel that is heated or its contents are heated by,
  - i. a flame or the hot gases of combustion,
  - ii. electricity,
  - iii. a liquid, or
  - iv. nuclear energy, either directly or indirectly;
- 17. "prime mover" means an initial source of motive power, and includes an electric motor, an internal combustion engine, a steam engine, a steam turbine and a gas turbine; *New*.
- 18. "refrigerant" means a substance that may be used to produce refrigeration by its expansion or evaporation; R.S.O. 1960, c. 282, s. 1, par. 19, *amended*.

19. "refrigeration plant" means an installation comprised of one or more refrigeration compressors with prime movers and the equipment used in connection therewith for compressing, liquefying at a pressure of more than 15 and evaporating a refrigerant where the total Therm-hour rating of all such prime movers is more than 1.272; R.S.O. 1960, c. 282, s. 1, par. 20, *amended*.
20. "regulations" means the regulations made under this Act; R.S.O. 1960, c. 282, s. 1, par. 22.
21. "shift engineer" means an operating engineer who has charge of and operates a plant under the direction and supervision of a chief operating engineer and who has the authority to perform the powers and duties of the chief operating engineer when the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 23, *amended*.
22. "shift operator" means an operator or operating engineer who has charge of and operates a compressor or refrigeration plant under the direction and supervision of a chief operator or a chief operating engineer and who has the authority to perform the powers and duties of the chief operator or the chief operating engineer when the chief operator or the chief operating engineer is absent from the plant; R.S.O. 1960, c. 282, s. 1, par. 24, *amended*.
23. "stationary power plant" means an installation comprised of one or more boilers,
  - i. containing steam at a pressure of more than 15, or
  - ii. containing water at a temperature at any boiler outlet of more than 250°F.,and in addition a stationary power plant may have,
  - iii. one or more boilers containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of more than 212°F. and up to and including 250°F., and
  - iv. one or more compressors or refrigeration compressors,

and the total Therm-hour rating of all such boilers and compressors is more than 17; *New*.

24. "steam hoisting plant" means a hoist equipped with a drum and a hoisting rope or chain that is driven by a steam-driven prime mover and used for raising, lowering or swinging material; R.S.O. 1960, c. 282, s. 1, par. 26, *amended*.
25. "steam-powered plant" means a turbine or engine having a Therm-hour rating of more than 3.816 driven by steam,
- i. from a boiler that is not owned by or under the control of the user of the turbine or engine, or
  - ii. from another plant of the user of the turbine or engine; R.S.O. 1960, c. 282, s. 1, par. 25, *amended*.
26. "temporary heating plant" means one or more boilers, with or without compressors, that supply heat to a project as defined in *The Construction Safety Act*,<sup>1961-62, c. 18</sup> 1961-62 or to a shaft, tunnel, caisson or coffer dam to which the regulations made under subsection 1 of section 10 of *The Department of Labour Act* apply and<sup>R.S.O. 1960, c. 97</sup> that operates at a pressure,
- i. of not more than 15 and has a total Therm-hour rating of more than 50, or
  - ii. of more than 15 and has a total Therm-hour rating of more than 17;
27. "Therm-hour" means 100,000 British thermal units per hour or 39.3082 brake horse-power;
28. "Therm-hour rating" means the Therm-hour rating of a plant as determined under this Act or the regulations;
29. "user" means the person in control of a plant as owner, lessee or otherwise, but does not include its operating engineer or operator as such. *New*.

**2. This Act does not apply to,**

**Exemptions**

- (a) a person who performs work in connection with a plant other than the actual operation of it; *New*.
- (b) a person, other than an operating engineer or operator, engaged in installing, testing or repairing a plant; R.S.O. 1960, c. 282, s. 2, cl. (b), *amended*.

(c)

R.S.O. 1960,  
c. 119

(c) an elevator or lift as defined in *The Elevators and Lifts Act; New*.

R.S.O. 1960,  
c. 241

(d) a shaft hoist or other hoist used in mining within the meaning of *The Mining Act*; R.S.O. 1960, c. 282, s. 2, cl. (c), *amended*.

(e) an overhead bridge-type crane that is not equipped with a boiler and that operates on a fixed runway; R.S.O. 1960, c. 282, s. 2, cl. (e), *amended*.

(f) a plant that is subject to inspection by the Board of Transport Commissioners for Canada or The Energy Board of Canada; R.S.O. 1960, c. 282, s. 2, cl. (g), *amended*.

(g) any boiler used in connection with an open-type hot water heating system where there are no intervening valves between the boiler and any direct vent to the atmosphere; R.S.O. 1960, c. 282, s. 2, cl. (h), *amended*.

(h) a stationary power plant or low-pressure stationary plant while used in connection with any growing operation except a growing operation being carried on in a greenhouse where any person, other than the user of the plant or his immediate family, is employed or works in connection with the growing operation; R.S.O. 1960, c. 282, s. 2, cl. (f), *amended*.

(i) a hoisting device,

(i) that is used exclusively for raising, lowering or towing motor vehicles,

(ii) that is mounted on a motor vehicle used exclusively for fire fighting,

(iii) that is mounted on a motor vehicle and used exclusively for loading or unloading materials carried by the motor vehicle, or

(iv) of a class that is exempted by the regulations;

(j) a compressor used in the generation or distribution of electricity in a place in which no person normally works and where the compressor is controlled automatically or by remote manual control;

(k) a compressor or refrigeration compressor that operates at a pressure of 15 or less;

(l)



- (l) a compressor installation with a prime mover having a Therm-hour rating of 1.145 or less;
- (m) a refrigeration compressor installation with a prime mover having a Therm-hour rating of 0.7632 or less;
- (n) a boiler installation containing steam at a pressure of 15 or less or water at a temperature at any boiler outlet of 250°F. or less, and having a Therm-hour rating of 10 or less;
- (o) a boiler installation containing steam at a pressure of more than 15 or water at a temperature at any boiler outlet of more than 250°F., and having a Therm-hour rating of 5 or less. *New.*

**3.**—(1) There shall be appointed a chief officer, three or more examiners and such inspectors as are necessary to administer and enforce this Act and the regulations, and such persons shall be subject to the direction and control of the Minister. R.S.O. 1960, c. 282, s. 3 (1), *part, amended.* Chief officer,  
examiners  
and  
inspectors

(2) The chief officer, an inspector or any person authorized in writing by the Minister may enter and inspect any building or premises where he has reason to believe a plant is being installed or operated. R.S.O. 1960, c. 282, s. 4 (2), *amended.* Powers of  
inspection

**4.**—(1) There shall be a Board of Examiners composed of the chief officer and the examiners mentioned in section 3, one of whom may be appointed as chairman. R.S.O. 1960, c. 282, s. 3 (1), *part, amended.* Board of  
Examiners

(2) A majority of the members of the Board constitutes a quorum whether or not a vacancy exists on the Board. *New.* Quorum

**5.**—(1) The chief officer may, for the purposes of this Act, require a user or a manufacturer of a boiler or prime mover, Information

(a) to furnish him with information; or

(b) to perform tests to establish the proper Therm-hour rating of a boiler or prime mover.

(2) Where a test to establish the Therm-hour rating is performed under clause *b* of subsection 1 in a manner satisfactory to the chief officer, the rating as established by the test is the Therm-hour rating, notwithstanding sections 11, 12 and 13. *New.* Rating by  
actual test

**6.**—(1) Every user of a plant shall, before operating it, register it with the chief officer. R.S.O. 1960, c. 282, s. 5 (1), *amended.* Registration  
of plants



Idem

(2) Where two or more plants of a user are located on the same premises, such plants shall, unless the chief officer determines otherwise, be registered as one plant. R.S.O. 1960, c. 282, s. 5 (2), *amended*.

Certificates of registration and registration plates

7.—(1) The chief officer, upon application in the prescribed form and upon payment of the prescribed fee, shall issue to the user of a plant a certificate of registration or a registration plate, as the case requires.

Contents of certificates of registration

(2) Every certificate of registration shall show,

- (a) the registration number;
- (b) the name of the user of the plant;
- (c) the Therm-hour rating of the plant;
- (d) the maximum pressures at which the safety valves on boilers, compressors or refrigeration compressors are respectively set to relieve pressure; and
- (e) the classes of operating engineers or operators required for the plant. R.S.O. 1960, c. 282, s. 6, *amended*.

Contents of registration plates

(3) Every registration plate shall show,

- (a) the registration number; and
- (b) the Therm-hour rating of the plant. *New*.

Display of certificate of registration

8.—(1) The user of a plant shall conspicuously display its certificate of registration in the engine room, compressor room or boiler room of the plant. R.S.O. 1960, c. 282, s. 7, *amended*.

Display of plate

(2) The user of a hoisting plant or a steam hoisting plant shall conspicuously display its registration plate in the cab or in some equally protected position in the plant. *New*.

Re-registration

9. Where the setting of a safety valve or the Therm-hour rating of a registered plant is changed, the user of the plant shall notify the chief officer in writing within fifteen days with full particulars of such change in setting or Therm-hour rating and, where the change is sufficient to change the classes of operating engineers or operators required for the plant, he shall return the certificate of registration or registration plate, as the case may be, to the chief officer, together with the pre-

scribed plant registration application form and the prescribed fee, and thereupon the chief officer shall issue a new certificate of registration or a new registration plate, as the case may be, for the plant. R.S.O. 1960, c. 282, s. 5 (3, 4), *amended*.

**10.** The registered horse-power of every plant or part thereof in use when this Act comes into force shall be converted from a horse-power basis to a Therm-hour basis in accordance with the following provisions: Conversion of existing plants to Therm-hour rating

1. The Therm-hour rating of a boiler, other than an electric boiler, is the horse-power of the boiler shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 2 and divided by 3.
2. The Therm-hour rating of an electric boiler is the horse-power of the boiler shown on the certificate of registration for the plant under the predecessor of this Act divided by 3.
3. The Therm-hour rating of the prime mover of any type of compressor is the brake horse-power of the prime mover of the compressor shown on the certificate of registration for the plant under the predecessor of this Act multiplied by 0.02544.
4. The Therm-hour rating of a plant having boilers only is the total of the Therm-hour ratings of its boilers.
5. The Therm-hour rating of a plant having any type of compressors but no boilers is the total of the Therm-hour ratings of the prime movers of its compressors.
6. The Therm-hour rating of a plant having boilers and any type of compressors is the horse-power rating of the plant shown on its certificate of registration under the predecessor of this Act multiplied by 2 and divided by 3. *New.*

**11.—(1)** In this section,

Interpretation

- (a) "altered" means that the maximum capacity of the boiler to heat water or to generate or heat steam while in normal continuous operation has been changed;
- (b) "installed" means that the boiler is so placed and so equipped that in the opinion of the chief officer it is ready for use, and "re-installed" has a corresponding meaning.

Therm-hour  
rating,  
boilers

(2) The Therm-hour rating of a boiler, other than an electric boiler, that is installed, re-installed or altered after this Act comes into force shall be the maximum number of British thermal units in the total heat content of the water or steam entering its inlet subtracted from the total heat content of the water or steam leaving its outlet per hour, as determined by its manufacturer for its normal, continuous operation, divided by 100000.

Idem,  
electric  
boilers

(3) The Therm-hour rating of an electric boiler that is installed, re-installed or altered after this Act comes into force shall be the maximum number of kilowatts supplied to the boiler per hour, as determined by its manufacturer for its normal, continuous operation, multiplied by 3413 and divided by 100000. *New.*

Therm-hour  
rating,  
prime  
movers

**12.** The Therm-hour rating of a prime mover, other than an electric motor or an internal combustion engine, is the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544. *New.*

Therm-hour  
rating,  
electric  
motors

**13.—**(1) The Therm-hour rating of an electric motor is the lesser of,

- (a) the maximum brake horse-power, as determined by its manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) the maximum kilowatt rating of the motor, as determined by its manufacturer for its normal, continuous operation, modified where necessary for the type of service in which it is used, multiplied by 0.03413.

Idem,  
internal  
combustion  
engines

(2) The Therm-hour rating of an internal combustion engine is,

- (a) the maximum brake horse-power, as determined by the engine manufacturer for its normal, continuous operation, multiplied by 0.02544; or
- (b) where the manufacturer of the engine has not determined its maximum brake horse-power for its normal, continuous operation, the Therm-hour rating is the product of the following formula multiplied by 0.02544:

$$\frac{(\text{diameter of cylinders in inches})^2 \times \text{number of cylinders}}{1.4}$$

(3) Where, in the opinion of the chief officer, the Therm-hour rating of an engine cannot be determined under clause *b* of subsection 2, the chief officer may establish the Therm-hour rating of the engine. *New.* Exception

**14.**—(1) The Therm-hour rating,

Therm-hour  
rating,  
plants

- (a) of a stationary power plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (b) of a low-pressure stationary plant is the total of the Therm-hour ratings of its boilers and of the prime movers of its compressors;
- (c) of a compressor plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (d) of a refrigeration plant that has motive power other than steam is the total of the Therm-hour ratings of the prime movers of its compressors;
- (e) of a steam-powered plant is the total of the Therm-hour ratings of its prime movers. R.S.O. 1960, c. 282, s. 9 (1), *amended*.

(2) Where a plant does not fall within one of the clauses of subsection 1, its Therm-hour rating shall be determined by the chief officer. Exceptional cases

(3) Where two or more plants of a user are located on the same premises and are registered as a plant, its Therm-hour rating is the total of the Therm-hour ratings of such plants. Idem, combination plants  
*New.*

**15.**—(1) Operating engineers shall be classified as follows: Classes of operating engineers

- 1. Stationary engineer (fourth, third, second or first class).
- 2. Provisional stationary engineer (fourth, third or second class).
- 3. Hoisting engineer.
- 4. Steam-hoisting engineer.

(2) Operators shall be classified as follows:

Classes of  
operators

- 1. Compressor operator.
- 2. Refrigeration operator (B or A class). R.S.O. 1960, c. 282, s. 10, *amended*.



Stationary  
engineers  
(4th class),  
what  
qualified  
to do

**16.**—(1) A person holding a stationary engineer's (fourth class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

- (i) any stationary power plant of not more than 50 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 2.544 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 5.088,
- (ii) any low-pressure stationary plant of not more than 134 Therm-hours,
- (iii) any steam-powered plant of not more than 7.632 Therm-hours,
- (iv) any refrigeration plant of not more than 5.088 Therm-hours,
- (v) any compressor plant of not more than 10.176 Therm-hours,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 3.816 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 7.632 Therm-hours;

(b) to act as shift engineer in,

- (i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176,
- (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
- (iii) any steam-powered plant,
- (iv) any refrigeration plant of not more than 20.352 Therm-hours,
- (v) any compressor plant,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 15.264 or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

(c)



(c) to act as assistant shift engineer in,

- (i) any stationary power plant of not more than 400 Therm-hours;
- (ii) any low-pressure stationary plant, steam-powered plant, refrigeration plant or compressor plant.

(2) A person holding a stationary engineer's (third class) certificate of qualification is qualified, Idem,  
stationary  
engineers  
(3rd class)

(a) to act as chief operating engineer in charge of,

- (i) any stationary power plant of not more than 134 Therm-hours where the Therm-hour rating of refrigeration compressors is not more than 5.088 and the Therm-hour rating of compressors, including any refrigeration compressors, is not more than 10.176,
- (ii) any low-pressure stationary plant of not more than 400 Therm-hours,
- (iii) any steam-powered plant,
- (iv) any refrigeration plant of not more than 20.352 Therm-hours,
- (v) any compressor plant,
- (vi) any plant referred to in subclause ii or iii whose total Therm-hour rating includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours;

(b) to act as shift engineer in,

- (i) any stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528,
- (ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(c) to act as assistant shift engineer in any plant.

Idem,  
stationary  
engineers  
(2nd class)

(3) A person holding a stationary engineer's (second class) certificate of qualification is qualified,

(a) to act as chief operating engineer in charge of,

(i) a stationary power plant of not more than 400 Therm-hours that includes the Therm-hour rating of refrigeration compressors of not more than 15.264 Therm-hours or the Therm-hour rating of compressors, including any refrigeration compressors, of not more than 30.528 Therm-hours,

(ii) any low-pressure stationary plant, steam-powered plant, compressor or refrigeration plant;

(b) to act as shift engineer in any plant.

Idem,  
stationary  
engineers  
(1st class)

(4) A person holding a stationary engineer's (first class) certificate of qualification is qualified to act as chief operating engineer in charge of any plant.

Idem,  
compressor  
operators

(5) A person holding a compressor operator's certificate of qualification is qualified to act as a chief or shift operator in any compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,  
refrigeration  
operators  
(class B)

(6) A person holding a refrigeration operator's (class B) certificate of qualification is qualified,

(a) to act as chief operator in a refrigeration plant of not more than 20.352 Therm-hours or in any compressor plant whose prime mover is not a steam engine or steam turbine;

(b) to act as a shift operator in any refrigeration or compressor plant whose prime mover is not a steam engine or steam turbine.

Idem,  
refrigeration  
operators  
(class A)

(7) A person holding a refrigeration operator's (class A) certificate of qualification is qualified to act as chief or shift operator in any compressor or refrigeration plant whose prime mover is not a steam engine or steam turbine.

Idem,  
steam  
hoisting  
engineers

(8) A person holding a steam hoisting engineer's certificate of qualification is qualified to operate any steam hoisting plant or hoisting plant.

(9) A person holding a hoisting engineer's certificate of qualification is qualified to operate any hoisting plant or portable compressor plant whose prime mover is not a steam engine or steam turbine. Idem, hoisting engineers

(10) A person holding a certificate of qualification of any class of stationary engineer or of a steam hoisting engineer is qualified to operate a portable compressor plant, a temporary heating plant or a portable boiler used in connection with any portable machinery or a device for melting ice or snow. Idem, stationary engineers, steam hoisting engineers

(11) A person holding a provisional certificate of qualification under section 23 is qualified to perform the same work and duties as an operating engineer or operator holding a corresponding certificate of qualification. R.S.O. 1960, c. 282, s. 11, *amended*. Idem, holders of provisional certificates

**17.** A person who is obtaining qualifying experience for his first certificate of qualification may not perform work in connection with the actual operation of a plant except under the personal direction and supervision of an operating engineer or operator. *New*. Trainees

**18.** Where a low-pressure stationary plant or stationary power plant has a compressor or a refrigeration compressor, the user of the plant may employ one or more compressor operators or one or more refrigeration operators, as the case may be, as shift operator or shift operators for the compressor. *New*. Shift operators for compressors in stationary plants

**19.** Where an operating engineer or operator is absent from his plant due to sickness or while on holidays, an operating engineer or operator holding a certificate not more than one class lower than the certificate of the operating engineer or operator who is absent may during the absence operate the plant for not more than thirty days per year or such greater number of days per year as the chief officer may authorize in writing in any particular case. R.S.O. 1960, c. 282, s. 13, *amended*. Absence due to sickness or holidays

**20.** While a plant is in operation, an operating engineer or an operator qualified to be in charge of such a plant shall be present in its boiler room, compressor room or engine room, as the case may be, or, where it is not enclosed, he shall be present in its immediate vicinity, Temporary absences

(a) unless an operating engineer or an operator holding a certificate of qualification that is not more than one class lower is present during his absence;

(b) unless his absence is authorized by the regulations,

and unless, in either case, he is satisfied at the time of his leaving the plant that it is operating safely. R.S.O. 1960, c. 282, s. 14, *amended*.

Increase in  
Therm-hour  
rating

**21.** Where a plant has been operated by an operating engineer or operator in compliance with this Act and the regulations and the Therm-hour rating of the plant is increased so that the operating engineer or operator, as the case may be, is no longer qualified to operate the plant and he has operated the plant continuously for three consecutive years immediately before the increase, he may continue to operate the plant for such period and under such terms and conditions as the regulations prescribe. R.S.O. 1960, c. 282, s. 26, *amended*.

Certificates  
of quali-  
fication

**22.—**(1) The Board shall issue, in accordance with the regulations, a certificate of qualification to any person who,

(a) shows proof satisfactory to the Board of the experience required by the regulations; and

(b) passes the examinations conducted by the Board; and

(c) pays the prescribed fee. R.S.O. 1960, c. 282, ss. 20 (1), 21, *amended*.

Term

(2) Every certificate of qualification, except a provisional certificate of qualification, remains in force during the calendar year in which it is issued and until the date of renewal or the 31st day of January in the following year, whichever occurs first, unless it is sooner suspended or cancelled. R.S.O. 1960, c. 282, s. 24 (1), *amended*.

Provisional  
certificates  
of quali-  
fication

**23.—**(1) The Board may, upon payment of the prescribed fee and in accordance with the regulations, issue a provisional certificate of qualification without examination to any person who, in the opinion of the Board, holds a subsisting certificate issued by another province of Canada that qualifies the person to perform the work and duties of an operating engineer or operator in such province.

Idem

(2) A provisional certificate under subsection 1 shall be one grade lower than the certificate of qualification that, in the opinion of the Board, corresponds to the certificate issued by the other province. R.S.O. 1960, c. 282, s. 20 (2, 3), *amended*.

Term

(3) Every provisional certificate of qualification remains in force for one year from the date of issue, unless sooner suspended or cancelled, and is not renewable. R.S.O. 1960, c. 282, s. 25, *amended*.

Cancellation  
or  
suspension  
of certi-  
ficate of  
qualification

**24.—**(1) The Board may cancel or suspend a certificate of qualification if the operating engineer or operator,

(a)



- (a) is habitually intemperate in his use of alcoholic beverages or is addicted to the use of drugs;
- (b) operates a plant when his ability to do so is impaired by alcohol or a drug;
- (c) is declared to be mentally incompetent or becomes physically incapable of safely performing his duties;
- (d) is incompetent or negligent in the discharge of his duties as an operating engineer or operator;
- (e) has obtained his certificate through misrepresentation or fraud;
- (f) maliciously destroys his employer's property;
- (g) allows another person to operate under his certificate;
- (h) attempts to obtain a certificate by false means for another person;
- (i) fails to give the notice required by section 28;
- (j) leaves the employ of his employer without having given his employer at least seven days' notice in writing of his intention to leave;
- (k) furnishes information for the use of the Board respecting an applicant for a certificate without knowing that the information is true; or
- (l) contravenes any of the provisions of this Act or the regulations. R.S.O. 1960, c. 282, s. 23, *amended*.

(2) No certificate of qualification shall be cancelled or suspended by the Board unless the Board first gives the holder of the certificate and his counsel, if any, and any other person having knowledge of the matter an opportunity to be heard. Hearings

(3) For the purposes of a hearing under this section, the chairman of the Board has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. Powers  
*New.* R.S.O. 1960,  
o. 323

**25.**—(1) Any person who deems himself aggrieved by any decision of the Board or of the chief officer may, within ten days after the decision comes to his notice, appeal in writing from the decision to the Minister who shall, upon notice to all interested parties, hear the appeal and affirm, rescind or vary the decision. Appeals



## Idem

(2) The making of an appeal under this section does not affect the operation of the decision pending the disposition of the appeal by the Minister. R.S.O. 1960, c. 282, s. 29, *amended*.

## Posting of certificates

**26.** Every certificate of qualification shall at all times be displayed conspicuously in the engine room, compressor room or boiler room of the plant in which the holder thereof works, except in the case of a steam hoisting plant or a hoisting plant, in which case the certificate shall be carried upon the person of the holder. R.S.O. 1960, c. 282, s. 27, *amended*.

## Duplicate certificates

**27.** Where a certificate has been lost or destroyed, the Board or the chief officer, as the case may be, on payment of the prescribed fee, shall issue a duplicate certificate. R.S.O. 1960, c. 282, s. 22, *amended*.

## Duty to notify of absence

**28.** Every operating engineer or operator who,

(a) knows that he will be absent from his duties; or

(b) is unable to commence or continue his duties,

shall immediately make every reasonable effort in the circumstances to so notify his chief operating engineer or chief operator or shift engineer or shift operator, or, if none, his employer. R.S.O. 1960, c. 282, s. 28, *amended*.

## Prohibitions, operation by other than operating engineer or operator

**29.—**(1) No person other than an operating engineer who holds a certificate of qualification shall perform the work and duties of an operating engineer, and no person other than an operating engineer or operator who holds a certificate of qualification shall perform the work and duties of an operator. R.S.O. 1960, c. 282, s. 16, *amended*.

## Employment of un-qualified persons prohibited

(2) No person shall employ,

(a) any person who is not an operating engineer to perform the work and duties of an operating engineer or operator, or any person who is not an operator to perform the work and duties of an operator; or

(b) any operating engineer or operator to operate a plant that he is not qualified under this Act to operate. R.S.O. 1960, c. 282, s. 18, *amended*.

## Work prohibited, unless qualified therefor

(3) No operating engineer or operator shall perform any work or duties of an operating engineer or operator that he is not qualified under this Act to perform. R.S.O. 1960, c. 282, s. 17, *amended*.

**30.** No person shall use or operate a plant or cause a plant to be used or operated except in accordance with this Act and the regulations. *New.* <sup>Operation of plants</sup>

**31.**—(1) Every person who contravenes or fails to comply with any of the provisions of this Act or the regulations, or hinders or obstructs any person in the performance of his duties under this Act or the regulations, is guilty of an offence against this Act and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both. R.S.O. 1960, c. 282, s. 30, *amended.* <sup>Offences</sup>

(2) Where the circumstances constituting an offence against this Act continue from day to day and an information has been laid in respect of the offence, the offence shall be deemed to have been repeated on each day the circumstances continue. *New.* <sup>Continuing offence</sup>

**32.**—(1) The Lieutenant Governor in Council may appoint a board of review consisting of a chairman and equal numbers of representatives of plant users and operating engineers, <sup>Board of review</sup>

(a) to advise the Minister as to the effectiveness of the Act and regulations in ensuring safety in connection with the operation of plants;

(b) to evaluate and advise the Minister as to equipment and operating procedures in ensuring safety in connection with the operation of plants;

(c) to advise the Minister, management and labour in connection with the training and employment of operating engineers and operators.

(2) The Lieutenant Governor in Council may fix the terms of office and the remuneration of the members of the board of review. <sup>Terms of office and remuneration</sup>

(3) The Lieutenant Governor in Council may fill any vacancy in the membership of the board of review. <sup>Vacancies</sup>

(4) The board of review is responsible to the Minister. *New.* <sup>Responsible to Minister</sup>

**33.** The Lieutenant Governor in Council may make regulations, <sup>Regulations</sup>

(a) prescribing the qualifications of members of the Board and of inspectors;

(b)

- (b) prescribing the qualifications of applicants for certificates of qualification and provisional certificates of qualification and the evidence required to be furnished by such applicants as to previous training and experience;
- (c) prescribing courses of training or study for applicants for certificates of qualification;
- (d) prescribing the powers and duties of chief operating engineers, chief operators, shift engineers and shift operators;
- (e) prescribing the conditions of re-examination of applicants for certificates of qualification who have failed to pass the examinations required by the Board;
- (f) providing for the issue, renewal and re-instatement of certificates of qualification and for the issue of provisional certificates of qualification;
- (g) prescribing the method of establishing the Therm-hour ratings of internal combustion engines, or any class thereof, not specified in this Act;
- (h) classifying plants and exempting any class from any provision of this Act or the regulations;
- (i) respecting the operation of plants or any class of plants;
- (j) providing for the isolation of boilers and compressors by means of seals or otherwise;
- (k) authorizing and prescribing the circumstances and periods of absence for the purposes of section 20;
- (l) prescribing the periods during which and the terms and conditions upon which operating engineers and operators may continue to operate plants whose Therm-hour rating has been increased;
- (m) prescribing forms and providing for their use;
- (n) providing for and prescribing fees;
- (o) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 282, s. 31, *amended*.

**34.**—(1) Every certificate of registration that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of registration issued under this Act, and it remains in force until the chief officer withdraws it.

Transitional  
certificates  
of regis-  
tration

(2) Every certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a certificate of qualification issued under this Act.

Idem,  
certificates  
of quali-  
fication

(3) Every provisional certificate of qualification that was issued under *The Operating Engineers Act*, being chapter 282 of the Revised Statutes of Ontario, 1960, and that was in force on the day this Act came into force shall be deemed to be a provisional certificate of qualification issued under this Act.

Idem,  
provisional  
certificates  
of quali-  
fication

**35.** *The Operating Engineers Act* is repealed.

R.S.O. 1960,  
c. 282,  
repealed

**36.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-  
ment

**37.** This Act may be cited as *The Operating Engineers Act*, 1965.

Short title





## CHAPTER 93

# An Act to amend The Ophthalmic Dispensers Act, 1960-61

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 7 of *The Ophthalmic Dispensers Act*, 1960-61, c. 72, s. 7, 1960-61, as re-enacted by section 1 of *The Ophthalmic Dispensers Amendment Act*, 1962-63, is repealed and the following (1962-63, c. 100, s. 1), substituted therefor: re-enacted

(*b*) has,

- (i) completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist; or
- (ii) completed at least three years training and experience in ophthalmic dispensing, at least one of which was in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist and has completed a home study course as prescribed by the regulations; or
- (iii) in the opinion of the Board, the qualifications and experience equivalent to that set forth in subclause i or ii and has had one year's experience in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist.

2. Section 22 of *The Ophthalmic Dispensers Act*, 1960-61, c. 72, s. 22, as amended by section 3 of *The Ophthalmic Dispensers Amendment Act*, 1961-62, is further amended by adding thereto the following clause:

(*aa*) prescribing courses of home study.

Commence-  
ment

**3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**4.** This Act may be cited as *The Ophthalmic Dispensers Amendment Act, 1965*.

## CHAPTER 94

**An Act respecting  
the Water Powers of the Ottawa River**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The Agreement between Her Majesty the Queen in right of the Province of Ontario, Her Majesty the Queen in right of the Province of Quebec, The Hydro-Electric Power Commission of Ontario, and Quebec Hydro-Electric Commission, set out in the Schedule hereto, is hereby ratified, validated and confirmed. Agreement ratified, etc.
- 2.** This Act comes into force on the day it receives Royal Assent. Commencement
- 3.** This Act may be cited as *The Ottawa River Water Powers Act, 1965*. Short title

## SCHEDULE

THIS INDENTURE made in quadruplicate (first copy) the 9th day of June, 1964,

BETWEEN:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF ONTARIO (herein represented by the Honourable A. Kelso Roberts, Minister of Lands and Forests), hereinafter called "Ontario",

OF THE FIRST PART;

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF QUEBEC (herein represented by the Honourable René Lévesque, Minister of Natural Resources), hereinafter called "Québec",

OF THE SECOND PART;

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO, hereinafter called the "Ontario Commission",

OF THE THIRD PART;

—and—

QUEBEC HYDRO-ELECTRIC COMMISSION, hereinafter called "Hydro-Québec",

OF THE FOURTH PART.

WHEREAS the parties of the First, Second and Third Parts hereto and The Quebec Streams Commission did enter into an Agreement, dated the 2nd day of January, 1943, in respect of the development of the water powers of the Ottawa River (hereinafter called the "Waterpowers Agreement");

AND WHEREAS Hydro-Québec has succeeded to all of the rights, interests, powers, duties, liabilities and obligations of the Quebec Streams Commission under the Waterpowers Agreement;

AND WHEREAS the said Waterpowers Agreement has been ratified by the Legislature of the Province of Quebec by Chapter 20 of the Statutes of Quebec 1943 and by the Legislature of the Province of Ontario by Chapter 21 of the Statutes of Ontario 1943;

AND WHEREAS the said Waterpowers Agreement provided for the utilization of the waterpowers of the Ottawa River at five sites on the said River, three sites by the Ontario Commission by raising the water in the River to the following head-water levels (feet above mean sea-level), namely:

Cave & Fourneaux.....	575
Des Joachims.....	500
Chenault.....	285

and

and two sites by Hydro-Québec by raising the water in the River to the following head-water levels (feet above mean sea-level), namely:

Rocher Fendu.....	350
Carillon.....	135

AND WHEREAS with the knowledge of the other parties hereto, the Ontario Commission has utilized the waterpower at Cave & Fourneaux by raising the water in the River to a head-water level of 583 feet;

AND WHEREAS by the Act 4-5 Elizabeth II, Chapter 38, of the Statutes of Quebec 1955-56, the Lieutenant-Governor of the Province of Quebec in Council has been authorized to make an amicable agreement or contract for the settlement of the problem resulting from the said raising of the waters of the Ottawa River, at the site of Cave & Fourneaux;

AND WHEREAS the Lieutenant-Governor of the Province of Quebec by Order-in-Council dated July 29, 1960, bearing No. 1174, has authorized the Minister of Hydraulic Resources to sign this Agreement for the purpose of amending the said Waterpowers Agreement;

AND WHEREAS by the Act 9-10 Elizabeth II, Chapter 48, of the Statutes of Quebec 1960-61, the Minister of Natural Resources has succeeded to all of the rights, duties, liabilities and obligations of the Minister of Hydraulic Resources;

AND WHEREAS it is agreed that the amendments to the said Agreement shall have effect as though the said Waterpowers Agreement had been entered into originally in the form as amended by this Indenture.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises and the other considerations herein appearing the parties hereto agree as hereafter appears.

1. The Ontario Commission shall be deemed to have been entitled to utilize the waterpower of the Ottawa River at the site known as Cave & Fourneaux by raising the water in the River to a head-water level of 583 feet.
2. The Waterpowers Agreement is amended by striking out the figure "575" in referring to the head-water level of the site known as Cave & Fourneaux wherever the said figure appears in the said Waterpowers Agreement and by substituting therefor the figure "583" in referring to the said head-water level. In particular, the figure "583" shall be substituted for the figure "575" where the same appears in the first recital and in clauses 23 (g) and 25 of the Waterpowers Agreement.
3. Over and above the annual rental provided for in the third paragraph of clause 23 (g) of the Waterpowers Agreement, The Hydro-Electric Power Commission of Ontario shall pay to the Department of Natural Resources in Quebec an additional annual rental of two thousand five hundred dollars (\$2,500.00), from the date on which the Cave & Fourneaux Power Plant was put in operation, namely from the 10th day of January, 1952.
4. This Indenture shall have full force and effect as of the 2nd day of January, 1943, and as though the said Waterpowers Agreement had been in form as amended by this Indenture but shall not become binding upon the parties unless and until the Legislature of the Province of Ontario shall have confirmed and validated it to the extent of its legislative authority.



IN WITNESS WHEREOF the parties hereto have executed these presents as of the day and year first above written.

SIGNED, SEALED AND DELIVERED

in the presence of:

EILEEN M. PASCOE

P. E. AUGER

C. N. McCARTER

L. BEAUDOIN

Minister of Land & Forests for  
Ontario:

A. KELSO ROBERTS.

Minister of Natural Resources for  
Quebec:

RENÉ LÉVESQUE.

THE HYDRO-ELECTRIC POWER  
COMMISSION OF ONTARIO:

W. R. STRIKE,  
*Chairman.*

E. B. EASSON,  
*Secretary.*

QUEBEC HYDRO-ELECTRIC  
COMMISSION:

J. C. LESSARD,  
*President.*

B. LACASSE,  
*Joint Secretary.*

## QUEBEC HYDRO-ELECTRIC COMMISSION

EXTRACT of the Minutes of the Quebec Hydro-Electric Commission, held at Montreal, on Wednesday, April 29, 1964.

AC—503/64

WATERPOWERS AGREEMENT OF JANUARY 2, 1943 BETWEEN  
THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO AND OTHERS

WHEREAS the Waterpowers Agreement of January 2, 1943, provided, amongst other things, for the utilization by The Hydro-Electric Power Commission of Ontario of the waterpowers at Cave & Fourneaux on the Ottawa River by raising the water in the River to a head-water level of 575 feet; and

WHEREAS with the knowledge of the other parties to the said Agreement The Hydro-Electric Power Commission of Ontario has utilized the said waterpowers at a head-water level of 583 feet; and

WHEREAS by the Act 4-5 Elizabeth II, Chapter 38 of the Statutes of Quebec 1955-56, authorization was granted to make an amicable agreement for the settlement of the problems resulting from the raising of the water of the Ottawa River at the site of Cave & Fourneaux to 583 feet;

WHEREUPON, it was moved, seconded and unanimously

*Resolved:*

That the President or a Commissioner together with a Joint Secretary be authorized to sign an agreement between the Province of Ontario, Province of Quebec, The Hydro-Electric Power Commission of Ontario and Quebec Hydro-Electric Commission amending the Waterpowers Agreement of January 2, 1943, to cover

(a) the utilization by The Hydro-Electric Power Commission of Ontario of the waterpower of the Ottawa River at the site known as Cave & Fourneaux by raising the water in the river to head-water level of 583 feet and substitution of the figure 575 by that of 583 feet wherever it appears in the said Agreement of January 2, 1943, and

(b) an increase of the annual rental provided for in clause 23 (g) of the said Agreement of January 2, 1943, by an additional annual rental of \$2,500 to be paid by The Hydro-Electric Power Commission of Ontario to the Department of Natural Resources of the Province of Quebec from January 10, 1952, being the date on which the Cave & Fourneaux Plant was put into operation.



## CHAPTER 95

## An Act to amend The Partnerships Registration Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 3 of *The Partnerships Registration Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 289, s. 3,  
amended

- (2) Where, after filing a declaration under section 1 or 8, <sup>Idem</sup> the person or persons who caused the declaration to be filed commence to carry on business in another registry division, the sixty-day period mentioned in subsection 1 runs from the date of such commencement for the purpose of filing the declaration with the registrar of such other registry division.

**2.** Section 11, as amended by section 1 of *The Partnerships Registration Amendment Act, 1962-63*, and section 12 of *The Partnerships Registration Act* are repealed and the following R.S.O. 1960  
c. 289,  
ss. 11, 12,  
re-enacted substituted therefor:

11. Upon the performance of any official function un- <sup>Fees</sup>der this Act, the registrar is entitled to such fees as are prescribed by the regulations under this Act.
- 12.—(1) The registrar shall keep such records of declara- <sup>Records</sup>tions filed under this Act as are required by the regulations under this Act.
- (2) The records required for the purpose of this Act <sup>Idem</sup> shall be furnished by the treasurer of the municipality whose duty it is to furnish registry office books or, in the case of his default, by the registrar in the same manner as registry office books.

**3.** Section 15 of *The Partnerships Registration Act*, as R.S.O. 1960,  
c. 289, s. 15  
(1962-63,  
c. 102, s. 2),  
amended enacted by section 2 of *The Partnerships Registration Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Regula-  
tions

(2) Notwithstanding sections 1 and 8, where there are in a county or district, or in two or more counties united for judicial purposes, two or more registry divisions, the Lieutenant Governor in Council may by regulation,

(a) provide for the filing of declarations under this Act in the registry office for the registry division that includes the whole or the major part of the county town; and

(b) provide for the transfer of declarations and other records from a registry office to another registry office.

R.S.O. 1960,  
c. 289,  
Forms 3, 4,  
repealed

**4.** Forms 3 and 4 of *The Partnerships Registration Act* are repealed.

Commence-  
ment

**5.** This Act comes into force on the 1st day of September, 1965.

## Short title

**6.** This Act may be cited as *The Partnerships Registration Amendment Act, 1965*.



## CHAPTER 96

## The Pension Benefits Act, 1965

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) “Commission” means the Pension Commission of Ontario;
- (b) “designated province” means a province or territory of Canada that is designated by regulation as a province or territory in which there is in force legislation substantially similar to this Act;
- (c) “employee” means an individual who performs service in Ontario or in a designated province for a continuous period of not less than six months under a contract of service or of apprenticeship, and includes an officer or director of a corporation or of an unincorporated organization and an agent acting for his principal on a substantially full-time basis;
- (d) “employer” means, in relation to an employee, the person, partnership, firm, association, institution or other unincorporated organization or corporation, wherever incorporated, carrying on business or established in Ontario, from whom the employee receives his remuneration, and includes,
  - (i) the successors or assigns of the employer, and
  - (ii) Her Majesty in right of Ontario, an agent of Her Majesty, a municipality as defined in *The Department of Municipal Affairs Act*, and a metropolitan municipality and the local boards thereof;
- (e)

R.S.O. 1960,  
c. 98

- (e) "life annuity" means an annuity that continues for the duration of the life of the annuitant, whether or not it is thereafter continued to some other person, and "deferred life annuity" means a life annuity that commences at retirement age under a pension plan, but in any event not later than age seventy years;
- (f) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;
- (g) "pension benefit" means the aggregate annual, monthly or other periodic amounts to which an employee will become entitled upon retirement or to which any other person is entitled by virtue of his death after retirement under a pension plan, and "pension benefit credit" means the value at a particular time of the pension benefits and any other benefits provided under the pension plan to which an employee has become entitled;
- (h) "pension plan" means a superannuation or pension fund or plan organized and administered to provide a pension benefit for employees, and includes,
  - (i) a unit benefit plan under which pension benefits are determined with reference to remuneration of an employee for each year of service, or for a selected number of years of service,
  - (ii) a money purchase plan under which pension benefits are determined at the retirement of an employee with reference to the accumulated amount of the aggregate contributions paid by or for the credit of the employee,
  - (iii) a flat benefit plan under which the pension benefits are expressed either as a fixed amount in respect of each year of employment or as a fixed periodic amount, and
  - (iv) a deferred profit sharing pension plan other than a profit sharing plan as defined in sections 52 and 53a of *The Corporations Tax Act*;
- (i) "qualification date" means, in respect of employment in Ontario, the 1st day of January, 1965, and, in respect of employment in a designated province,

the date upon which, under the law of such province, a pension plan is required to maintain its qualification for registration;

- (j) "registered pension plan" means a pension plan that is registered with and certified by the Commission as a plan organized and administered in accordance with this Act;
- (k) "regulations" means the regulations made under this Act;
- (l) "service for a continuous period" means service for a period of time without regard to periods of temporary suspension of employment;
- (m) "Superintendent" means the Superintendent of Pensions;
- (n) "supplemental pension plan" includes a pension plan established for employees whose membership in another pension plan is a condition precedent to membership in the supplemental pension plan;
- (o) "voluntary additional contribution" means an additional contribution by an employee to or under a pension plan except a contribution the payment of which, under the terms of the plan, imposes upon the employer an obligation to make a concurrent additional contribution to or under the plan. 1962-63, c. 103, s. 1; 1964, c. 88, s. 1, *amended*.

(2) For the purposes of this Act, a person shall be deemed to be employed in the province in which the establishment of his employer to which he reports for work is situated, and, where the employee is not required to report for work at any establishment of his employer, he shall be deemed to be employed in the province in which the establishment of his employer from which his remuneration is paid is situated. *New.*

(3) In the event of conflict between any provision of this Act and any provision of any other Act, the provision of this Act prevails. 1962-63, c. 103, s. 12.

**2.—**(1) The Pension Commission of Ontario is continued and shall be composed of not fewer than five and not more than nine members as the Lieutenant Governor in Council from time to time determines. 1962-63, c. 103, s. 2 (1), *amended*.

**Appoint-  
ments**

(2) The Lieutenant Governor in Council shall appoint the chairman, the vice-chairman and the other members of the Commission, each of whom shall hold office for a term of three years, except that, of those first appointed, one-third, or as nearly as may be, shall be appointed for a term of one year, one-third, or as nearly as may be, for a term of two years, and the remainder for a term of three years.

**Re-appoint-  
ment**

(3) Every member of the Commission is eligible for re-appointment upon the completion of his term of office. 1962-63, c. 103, s. 2 (2, 3).

**Acting  
chairman**

**3.** In the event of the absence of the chairman and the vice-chairman, such member of the Commission as the members of the Commission designate for the purpose shall act as and have the powers of the chairman. 1962-63, c. 103, s. 3.

**Vacancies**

**4.** The Lieutenant Governor in Council may fill any vacancy that occurs from time to time in the membership of the Commission. 1962-63, c. 103, s. 4.

**Quorum**

**5.** One-half or more of the members of the Commission constitute a quorum, whether or not a vacancy exists in the membership of the Commission. 1962-63, c. 103, s. 5.

**Adminis-  
trative  
divisions**

**6.** The Commission may establish such administrative divisions as appear to be appropriate from time to time. 1962-63, c. 103, s. 8 (2).

**Superin-  
tendent of  
Pensions**

**7.—(1)** The Commission shall appoint the Superintendent of Pensions who shall be the chief administrative officer of the Commission. 1962-63, c. 103, s. 8 (1).

**Inspection**

(2) The Superintendent or his duly authorized representative may, at any reasonable time,

(a) inspect the books, files, documents and other records respecting a pension plan kept by an employer, an insurer, a trustee of the pension plan or any other person; and

(b) require any employer, insurer, trustee of a pension plan or other person to furnish, in a form acceptable to the Commission, such information as the Commission deems necessary for the purpose of ascertaining whether this Act and the regulations have been or are being complied with. 1962-63, c. 103, s. 22 (4).

**Staff**

**8.—(1)** The Commission may appoint such officers, clerks, servants and other members of its staff as it deems appropriate. *New.*

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, salary ranges and the terms and conditions of employment of the members of its staff. Terms of employment

(3) *The Public Service Superannuation Act* applies to the permanent members of the staff of the Commission and to those members of the Commission designated by the Lieutenant Governor in Council. R.S.O. 1960, c. 332, applicable

(4) Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. 1962-63, c. 103, s. 6. Security  
R.S.O. 1960, c. 326

**9.** No member of the Commission and no employee thereof is personally liable for anything done by it or him in good faith under the authority of this Act or the regulations. 1962-63, c. 103, s. 23 (2). Liability of members and employees of Commission

**10.—**(1) It is the function of the Commission and it has power, Functions and powers of Commission

- (a) to promote the establishment, extension and improvement of pension plans throughout Ontario;
- (b) to accept for registration all pension plans required to be registered or filed for registration with the Commission under this Act, and to reject any pension plan that does not qualify for registration;
- (c) to administer and enforce this Act, and to cancel pension plan certificates of registration issued in respect of pension plans that,
  - (i) fail to meet the tests for solvency prescribed by the regulations, or
  - (ii) otherwise cease to qualify for registration under this Act;
- (d) to conduct surveys and research programmes and to obtain statistics for the purposes of the Commission;
- (e) to assess, collect and retain for the purposes of the Commission fees for the registration and annual supervision of pension plans;
- (f) to perform such other functions and discharge such other duties as are assigned to it from time to time by the Lieutenant Governor in Council.



Reciprocal  
agreements

(2) The Commission may, subject to the approval of the Lieutenant Governor in Council,

- (a) enter into agreements with the authorized representatives of a designated province or the Government of Canada to provide for the reciprocal registration, audit and inspection of pension plans and for the establishment of a Canadian association of pension commissions;
- (b) authorize a Canadian association of pension commissions to carry out such duties on behalf of the Commission as the Commission may require;
- (c) delegate to the pension commission or to the government of a designated province such functions and powers under this Act as the Commission may determine. 1962-63, c. 103, s. 7, *amended*.

## Appropriations

**11.** The moneys required for the purposes of the Commission, in addition to the fees and charges assessed under clause *e* of subsection 1 of section 10 and the fines imposed under section 26, shall be paid out of the moneys appropriated therefor by the Legislature. 1962-63, c. 103, s. 9, *amended*.

## Audit

**12.** The accounts and financial transactions of the Commission shall be examined annually by the Provincial Auditor. 1962-63, c. 103, s. 10.

Annual  
report

**13.**—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister. 1962-63, c. 103, s. 11 (1).

## Tabling

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. 1962-63, c. 103, s. 11 (3), *amended*.

Actions for  
deducting  
sums

**14.** No action lies against any person for withholding, deducting, paying or crediting any sum of money in compliance or intended compliance with this Act. 1962-63, c. 103, s. 22 (5).

Agreements  
void

**15.** Where this Act requires an amount to be deducted, withheld, paid or credited, an agreement by the person on whom that obligation is imposed not to deduct, withhold, pay or credit such amount is void. 1962-63, c. 103, s. 22 (6).

**16.** The Lieutenant Governor in Council may establish or designate an agency for the purposes, among others, of receiving, holding and disbursing pension benefit credits under this Act. 1962-63, c. 103, s. 13, *amended*.

Pension  
agency

**17.—(1)** In this section,

Interpre-  
tation

(a) “employee” means an employee or former employee who is a member of a pension plan; and

(b) “employer” includes the trustee or insurer under a pension plan.

(2) Where in accordance with the terms of a pension plan an employee has designated a person or persons to receive a benefit payable under the plan in the event of the employee's death,

Appoint-  
ments of  
beneficiaries  
under a  
pension plan  
validated

(a) the employer's liability to provide the benefit is discharged upon payment to such person or persons of the amount of the benefit;

(b) such person or persons may upon the death of the employee enforce payment of the benefit, but the employer is entitled to set up any defence that he could have set up against the employee or his personal representatives.

(3) An employee may from time to time alter or revoke a designation made under a pension plan, but any such alteration or revocation may be made only in the manner set forth in the plan.

Change of  
designation

(4) This section does not apply to a designation of a beneficiary to which *The Insurance Act* applies. *New.*

Application  
of  
R.S.O. 1960,  
c. 190

**18.—(1)** Every employer of employees in Ontario covered by a pension plan established before the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

Registration  
of pension  
plans  
established  
before  
Jan. 1, 1965

(a) file a copy of such pension plan with the Commission for registration on or before the 1st day of January, 1965, or as soon thereafter as the Commission requires; and

(b) while such plan remains in force, maintain its qualification for registration as required by this Act.

Pension  
plans  
established  
on or after  
Jan. 1, 1965

(2) Every employer who establishes a pension plan for employees in Ontario on or after the 1st day of January, 1965, shall, unless under the terms of the plan the employer is not required to make contributions to or under the plan,

(a) file a copy of the pension plan with the Commission for registration within sixty days after the establishment of the plan; and

(b) while the plan is in force, maintain its qualification for registration as required by this Act.

Supple-  
mental plan  
included

(3) Notwithstanding subsections 1 and 2, a pension plan required to be registered shall be deemed to include a supplemental pension plan established by the employer under the terms of which the employer is not required to make contributions.

Annual  
returns

(4) Commencing in the year 1966, every employer of employees in Ontario covered by a pension plan shall file with the Commission annually an information return as prescribed by the regulations in respect of every pension plan administered by or on behalf of the employer or the employees. 1964, c. 88, s. 2, *part, amended*.

Acceptance  
of plans  
for regis-  
tration

**19.** The Commission shall accept for registration and issue its certificate in respect of each pension plan filed for registration under section 18 that in the opinion of the Commission is a pension plan organized and administered in accordance with this Act. 1964, c. 88, s. 2, *part, amended*.

Procedure  
upon refusal  
to register

**20.** After a pension plan is filed with the Commission for registration, the Superintendent shall advise the Commission in writing of his opinion as to whether or not the plan is organized and administered in accordance with this Act, and no penalty shall be imposed upon an employer under this Act for failure to register a pension plan until the written opinion of the Superintendent has been received by the Commission and the Commission has notified the employer of its decision concerning registration of the plan by registered mail and sixty days have elapsed thereafter. 1962-63, c. 103, s. 16, *amended*.

Vesting and  
locking-in  
requirement

**21.—(1)** A pension plan filed for registration in accordance with section 18 shall contractually provide that,

(a) a member of the plan who has been in the service of the employer for a continuous period of ten years, or has been a member of the plan for such period, whichever shall first occur, and who has attained the

age of forty-five years, is entitled, upon termination of his employment prior to his attaining retirement age, or upon termination of his membership in the plan prior to his attaining retirement age, to a deferred life annuity commencing at his normal retirement age equal to the pension benefits (except pension benefits provided by voluntary additional contributions) provided in respect of service as an employee in Ontario or in a designated province,

- (i) under the terms of the plan in respect of service on or after the qualification date,
  - (ii) by an amendment to the terms of the plan made on or after the qualification date, or
  - (iii) by the creation of a new pension plan on or after the qualification date;
- (b) both the pension benefits provided under the terms of the plan and the deferred life annuity prescribed by this section are not capable of assignment or alienation and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the pension benefits or the deferred life annuity capable of being assigned or otherwise alienated;
- (c) upon termination of his employment or upon termination of his membership in the plan, a member of the plan who is entitled to a deferred life annuity under clause *a* is not entitled to withdraw any part of his contributions to or under the plan, except voluntary additional contributions, in respect of service in Ontario or in a designated province on or after the qualification date, and such contributions shall be applied under the terms of the plan toward the provision of the deferred life annuity required to be provided to the employee under clause *a*.

(2) Notwithstanding any provision of a pension plan,

No sur-  
render or  
commuta-  
tion

- (a) the deferred life annuity prescribed by subsection 1 is not capable of surrender or commutation during the lifetime of the employee and does not confer upon any employee, personal representative or dependant, or any other person, any right or interest in the deferred annuity capable of being surrendered or commuted during the lifetime of the employee;

(b)



- (b) the pension benefits provided under the terms of the plan in respect of service after the qualification date are not, on or after the date of retirement of an employee, capable of surrender or commutation during his lifetime and do not confer upon any employee, personal representative or dependant, or any other person, any right or interest in such pension benefits capable of being surrendered or commuted during the lifetime of the employee.

Exception,  
small  
annuities

(3) Notwithstanding subsections 1 and 2, a pension plan may provide for,

- (a) vesting or locking in at an earlier age than forty-five years or upon service or membership in the plan for less than ten years, or for both; and
- (b) payment to an employee of an amount equal to the commuted value of the deferred life annuity or pension benefit to which the employee is entitled if the amount thereof payable to the employee at normal retirement age is less than \$10 a month payable during his lifetime.

partial  
commuta-  
tion

(4) Notwithstanding subsections 1 and 2, where a pension plan so provides, an employee may receive in partial discharge of his rights under the plan as a lump sum, upon or after termination of employment or membership in the plan prior to his attaining normal retirement age as defined by the plan, an amount that in total does not exceed 25 per cent of the commuted value of the deferred life annuity prescribed by subsection 1. 1964, c. 88, s. 4, *part, amended*.

alternative  
settlements

(5) If a pension plan so provides, a person who is entitled to a deferred life annuity under subsection 1 may, before the commencement of payment of such life annuity, elect to receive,

- (a) a deferred life annuity the amount of which is reduced or increased by reason of early or deferred retirement, by provision for the payment of an optional annuity to a survivor or to the estate of the employee, or by variation of the terms of payment of such annuity to any person after the employee's death; and
- (b) a payment or series of payments by reason of a mental or physical disability as prescribed by the regulations,

partly or wholly in lieu of the deferred life annuity described by subsection 1.



(6) If a pension plan so provides, an employee may, on or before attaining normal retirement age as defined by the plan, elect to receive an annuity the amount of which is varied by reference to benefits payable under the *Old Age Security Act* (Canada) or under any other pension plan administered by the Government of Canada or by the government of a province of Canada.

integration  
with  
government  
pension

R.S.C. 1952,  
c. 200

(7) Upon the termination or winding-up of a pension plan, all contributions by an employer and an employee made after the qualification date in respect of the deferred life annuity prescribed by subsection 1 shall be applied under the terms of the plan,

winding-up  
of plan

(a) in the case of a former employee, toward the provision of the deferred life annuity to which he was entitled at the date of termination of his employment; and

(b) in the case of an employee, toward the provision of the deferred life annuity to which he would be entitled if he ceased to be an employee upon the date of termination or winding-up of the plan.

(8) A pension plan filed for registration in accordance with section 18 shall provide for contributions and benefits calculated in accordance with a formula prescribed by the regulations. *New.*

Contribution  
and benefit  
formulae

**22.—**(1) A pension plan filed for registration in accordance with section 18 shall contractually provide for,

Funding  
and solvency  
requirement  
of plans

(a) funding, in accordance with the tests for solvency prescribed by the regulations, that is adequate to provide for payment of all pension benefits, deferred life annuities and other benefits required to be paid under the terms of the plan;

(b) a written explanation to each member of the plan of the terms and conditions of the plan and amendments thereto applicable to him, together with an explanation of the rights and duties of the employee with reference to the benefits available to him under the terms of the plan and such other information as may be prescribed by the regulations; and

(c) investment of pension fund moneys in the securities and loans prescribed by the regulations. 1962-63, c. 103, s. 19; 1964, c. 88, s. 5, *amended*.

Winding-up  
of plan

(2) Upon the termination or winding-up of a pension plan filed for registration as required by section 18, the employer is liable to pay all amounts that would otherwise have been required to be paid to meet the tests for solvency prescribed by the regulations, up to the date of such termination or winding-up, to the insurer, administrator or trustee of the pension plan.

No reduction  
of present  
benefits  
because of  
C.P.P.  
1964-65, c. 51  
(Can.)

(3) No amendment of a pension plan consequent upon the coming into force of the *Canada Pension Plan* shall adversely affect the pension benefit credits of any member in respect of remuneration and service or membership in the plan prior to the 1st day of January, 1966. *New.*

Notice of  
objection

**23.**—(1) Where the Commission refuses to accept for registration a pension plan filed for registration under this Act, or cancels a certificate of registration, the employer may, within sixty days of the day of mailing of a notification of refusal or cancellation of registration, serve on the Commission a notice of objection in duplicate in the prescribed form, setting out the reasons for the objection and all relevant facts. 1962-63, c. 103, s. 24 (1), *amended.*

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Commission at Toronto.

Review by  
Commission

(3) Upon receipt of a notice of objection, the Commission shall with all due despatch reconsider its opinion, and vary or confirm its opinion, and it shall thereupon notify the employer of its actions by registered mail. 1962-63, c. 103, s. 24 (2, 3).

Appeal to  
Court of  
Appeal

**24.**—(1) Where an employer has served a notice of objection under section 23, he may appeal to the Court of Appeal for an order requiring the Commission to accept the pension plan for registration under this Act,

(a) within ninety days after the Commission has confirmed its opinion that the pension plan is not acceptable for registration; or

(b) after ninety days and before 180 days have elapsed after service of the notice of objection and the Commission has not notified the employer that it has confirmed or varied its opinion.

Filing of  
notice of  
appeal

(2) An appeal to the Court shall be instituted by filing with the Registrar of the Court or by sending by registered mail addressed to him at Toronto three copies of a notice of appeal in such form as is determined by the rules of the Court.

(3)

(3) Upon receipt of the copies of the notice of appeal, the Registrar shall transmit two copies to the Superintendent. Trans-  
mission to  
Superin-  
tendent

(4) Immediately after receiving a copy of the notice of appeal, the Superintendent shall forward to the Registrar Trans-  
mission of  
material copies of all documents relevant to the appeal.

(5) An appeal may, in the discretion of the Court, be heard *in camera* or in public, unless the appellant requests that it be heard *in camera*, in which case it shall be so heard. Hearings  
in camera

(6) The Court may dispose of an appeal by dismissing it, by referring the matters in issue back to the Commission for reconsideration, or by allowing the appeal. Disposition  
of appeals

(7) Where the Court allows an appeal under this section, the Commission shall accept the pension plan for registration in accordance with the direction of the Court, which may include conditions precedent to qualification for registration of the plan imposed upon the appellant. 1962-63, c. 103, ss. 25-28. Executing  
decision of  
Court

**25.** The Lieutenant Governor in Council may make regulations, Regulations

- (a) respecting methods of computing pension benefit credits and pension benefits and the commuted value of a deferred life annuity;
- (b) respecting the variation of pension benefits and deferred life annuities by reference to pensions payable under the *Old Age Security Act* (Canada) or R.S.C. 1952,  
c. 200 under any other pension plan administered by the Government of Canada or by the government of a province of Canada;
- (c) prescribing the classes of investments and loans, both qualitative and quantitative, in which pension fund moneys heretofore or hereafter accumulated may be invested, and governing the making of such investments and loans;
- (d) prescribing tests and standards for solvency of pension plans;
- (e) prescribing the conditions under which, upon termination of employment of an employee, upon termination of an employee's membership in a pension plan or upon the termination or winding-up of a pension plan, pension benefit credits may be held in trust

by

by the administrator, insurer or trustee of the pension plan, or transferred to the administrator, insurer or trustee of another pension plan or to a registered retirement savings plan or to the agency described in section 16;

- (f) designating employees or pension plans, or any class thereof, that are excepted from the application of this Act and the regulations;
- (g) designating any province or territory of Canada as a province or territory, as the case may be, in which there is in force legislation substantially similar to this Act;
- (h) prescribing mental or physical disability for the purpose of clause *b* of subsection 5 of section 21;
- (i) providing for, regulating and governing the disposition of the assets of a pension plan that is discontinued, terminated or wound up;
- (j) requiring the furnishing of information to the Commission in respect of pension plans;
- (k) prescribing forms and providing for their use;
- (l) prescribing fees for registration and the annual supervision of pension plans;
- (m) prescribing approved contribution and benefit formulae in respect of pension plans required to be registered under this Act; and
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1962-63, c. 103, s. 20; 1964, c. 88, s. 6, *amended*.

#### Penalties

**26.**—(1) Every person who contravenes any provision of this Act or the regulations or who obstructs an officer or agent of the Commission in the performance of his duties is guilty of an offence and on summary conviction is liable to a fine of not less than \$200 and not more than \$10,000.

#### Idem

(2) Every employer who is convicted of an offence under subsection 1 shall pay to the insurer, trustee or administrator of the pension plan in respect of which the offence was com-

mitted

mitted all amounts that the employer has wrongly failed to pay as required by this Act and the regulations. 1962-63, c. 103, s. 22 (1, 2), *amended*.

(3) Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. *New*.

(4) The fines recovered for offences against this Act shall be paid to the Commission. 1962-63, c. 103, s. 22 (3), *amended*. <sup>Disposition of fines</sup>

**27.** *The Pension Benefits Act, 1962-63 and The Pension Benefits Amendment Act, 1964* are repealed. <sup>1962-63, c. 103; 1964, c. 88, repealed</sup>

**28.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commencement</sup>

**29.** This Act may be cited as *The Pension Benefits Act, 1965*. <sup>Short title</sup>





## CHAPTER 97

## An Act to amend The Pharmacy Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Pharmacy Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 295,  
amended

- 29a.—(1) The Council and a member who is the subject of disciplinary proceedings may, without leave or order, obtain from the Supreme Court a subpoena commanding the attendance and examination of any witness and also the production of any document, the production of which could be compelled at the trial of an action, to and before the discipline committee at the time and place mentioned in the subpoena, and disobedience to the subpoena shall be deemed a contempt of court, but the person whose attendance is required is entitled to the like conduct money and payment for expenses and loss of time as upon attendance at a trial in the Supreme Court. Subpoenas
- (2) The testimony of witnesses at hearings of the discipline committee may be taken under oath to be administered by the chairman or other member of the committee, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply. Testimony  
may be  
under oath,  
etc.
- (3) Where the Council or the discipline committee finds that a member is guilty of professional misconduct, it may direct that the member pay to the College the costs of and incidental to the disciplinary proceedings including the cost of reporting and transcribing the evidence, and such costs shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto, upon whose certificate execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such Court. Costs

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Pharmacy Amendment Act, 1965*.

## CHAPTER 98

## An Act to amend The Planning Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Planning Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 296,  
amended

**12a.**—(1) The Minister may refer any part of the plan to the Municipal Board, and, where any person requests the Minister to refer any part of the plan to the Municipal Board, the Minister shall refer such part to the Municipal Board, in which case the approval of the Municipal Board has the same force and effect as if it were the approval of the Minister. Reference  
of part  
of plan to  
O.M.B.

(2) When a part of the plan has been referred to the Municipal Board, the Minister may approve the remainder of the plan, whereupon the remainder, together with such part of the plan as may be approved by the Municipal Board, is the official plan of the planning area. What to  
form  
official  
plan

**2.**—(1) Subsection 8 of section 28 of *The Planning Act*, as re-enacted by subsection 1 of section 8 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 296, s. 28,  
subs. 8  
(1962-63,  
c. 105, s. 8,  
subs. 1),  
re-enacted

(8) The Minister may authorize, in lieu of the conveyance for public purposes other than highways required under subsection 5, the acceptance by the municipality of money to the value of such land required to be conveyed. Cash  
payment in  
lieu of  
conveyance

(2) Subsection 9 of the said section 28 is amended by adding at the end thereof “within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister”, so that the subsection shall read as follows:

Use and  
sale of  
land

- (9) Land conveyed to a municipality under subsection 5 shall be held and used by the municipality for public purposes, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period, be sold without the approval of the Minister.

R.S.O. 1960,  
c. 296, s. 28,  
subs. 10,  
re-enacted

- (3) Subsection 10 of the said section 28, as amended by subsection 2 of section 5 of *The Planning Amendment Act, 1961-62* and subsection 2 of section 8 of *The Planning Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Special  
account

- (10) All moneys received by the municipality under subsections 8 and 9a and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be held and used by the municipality for park purposes or, with the approval of the Minister, for the acquisition of land to be held and used by the municipality for other public purposes, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1960,  
c. 408

R.S.O. 1960,  
c. 296, s. 30a  
(1964, c. 90,  
s. 4),  
subs. 9,  
amended

3. Subsection 9 of section 30a of *The Planning Act*, as enacted by section 4 of *The Planning Amendment Act, 1964*, is amended by striking out "appeal" in the third line and inserting in lieu thereof "application under subsection 10", so that the subsection shall read as follows:

Quorum  
and  
procedure

- (9) Two members of the committee constitute a quorum, and the committee may adopt its own rules of procedure but before hearing an application under subsection 10 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive notice.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Planning Amendment Act, 1965*.



## CHAPTER 99

## An Act to amend The Police Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 2 of *The Police Act*, as amended by section 2 of *R.S.O. 1960, c. 298, s. 2,* *The Police Amendment Act, 1964*, is further amended by <sup>amended</sup> adding thereto the following subsection:

- (1a) The Lieutenant Governor in Council may in special circumstances exempt any town having a population of less than 2,000 according to the last revised assessment roll from the application of subsection 1, and such exemption continues in effect until it is revoked.

**2.** Subsection 1 of section 7 of *The Police Act* is repealed and the following substituted therefor:

- (1) Notwithstanding any special Act, every local municipality that provides and maintains a police force and that has a population of more than 15,000 according to the last revised assessment roll shall have a board, and,
- (a) any county or town having a population of 15,000 or less according to the last revised assessment roll;
- (b) any village or township having a population of more than 5,000 and not more than 15,000 according to the last revised assessment roll; and
- (c) with the consent of the Attorney General, any village or township having a population of 5,000 or less according to the last revised assessment roll,

that

that provides and maintains a police force may, by by-law, constitute a board.

R.S.O. 1960,  
c. 298, s. 8,  
subs. 2,  
cl. a,  
amended

**3.**—(1) Clause *a* of subsection 2 of section 8 of *The Police Act* is amended by striking out “one” in the first line and inserting in lieu thereof “each”, so that the clause shall read as follows:

(a) the head of the council of each of the municipalities.

R.S.O. 1960,  
c. 298, s. 8,  
subs. 2,  
cl. b,  
re-enacted;  
cl. c,  
repealed

(2) Clauses *b* and *c* of subsection 2 of the said section 8 are repealed and the following substituted therefor:

(b) such judge and such other persons as the Lieutenant Governor in Council designates.

R.S.O. 1960,  
c. 298, s. 13  
(1964, c. 92,  
s. 7),  
re-enacted

**4.** Section 13 of *The Police Act*, as re-enacted by section 7 of *The Police Amendment Act, 1964*, is repealed and the following substituted therefor:

Composition  
of police  
force

**13.**—(1) Subject to subsection 3 and to clause *ea* of section 39*b*, the police force in a municipality having a board shall consist of a chief constable and such other police officers and such constables, assistants and civilian employees as the board deems adequate, and shall be provided with such accommodation, arms, equipment, clothing and other things as the board deems adequate.

Estimates

(2) Every board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for the accommodation, arms, equipment and other things for the use and maintenance of the force.

Appeal to  
Commission

(3) Where the council does not agree with the board on the estimates or on the adequacy of the number of members of the police force or the accommodation, arms, equipment or other things for the use and maintenance of the force, the Commission shall determine the question after a hearing.

R.S.O. 1960,  
c. 298,  
ss. 18-20,  
re-enacted

**5.** Sections 18, 19 and 20 of *The Police Act* are repealed and the following substituted therefor:

Municipalities that  
may have  
own police  
forces

**18.** Any county, township or village not required to establish a police force under section 2 may, with the approval of the Commission, establish a police force.

- 19.—(1) Where a municipality that has established a police force does not have a board, the council shall appoint the members of the police force. Appointment of members where no board
- (2) Subject to clause *ea* of section 39*b*, the members of a police force referred to in subsection 1 shall consist of one or more constables and such other police officers, assistants and civilian employees as the council deems adequate, and the council shall provide and pay for such accommodation, arms, equipment, clothing and other things as the council deems adequate. Composition of police force
- (3) Where a police force has two or more constables, the council may appoint one constable to be chief constable. Idem

20. The trustees of a police village may, with the approval of the Commission, establish a police force, and where they do so the trustees shall carry out the duties of a council under section 19, and section 19 applies *mutatis mutandis*. Police village

**6.**—(1) Sections 22, 23 and 24 of *The Police Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 298, ss. 22, 23, re-enacted; s. 24, repealed

22. Every person employed in a police force shall be deemed to be a member thereof. Employees deemed members
- 23.—(1) The chief constable of a police force is liable in respect of torts committed by members of the police force under his direction and control in the performance or purported performance of their duties in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such torts be treated for all purposes as a joint tortfeasor. Liability for torts
- (2) Where a chief constable is liable in respect of a tort committed by him in the performance or purported performance of his duties, he is also liable and may be sued separately in his capacity as chief constable for the purposes of subsection 4. Torts of chief constable
- (3) Where the office of chief constable of a police force is vacant or where there is no chief constable, the head of the council shall be deemed to be the chief constable for the purposes of this section. Where office of chief constable vacant
- (4) The municipality shall pay, Payment by municipality
- (a) any damages or costs awarded against the chief constable in any proceeding brought

against

against him by virtue of this section and any costs incurred by him in any such proceeding so far as not recovered by him in the proceedings; and

- (b) subject to the approval of the council, any sum required in connection with the settlement of any claim made against the chief constable by virtue of this section.

Indemnify-  
ing police  
officers

- (5) The council of a municipality may, in such cases and to such extent as it thinks fit, pay any damages or costs awarded against a member of the police force maintained by them or any special constable in proceedings for a tort committed by him, any costs incurred and not recovered by him in any such proceedings, and any sum required in connection with the settlement of any claim that has or might have given rise to such proceedings.

Application

- (2) Section 23 of *The Police Act*, as re-enacted by subsection 1, does not apply in respect of acts of members of police forces occurring before the 1st day of January, 1966.

R.S.O. 1960,  
c. 298,  
amended

7. *The Police Act* is amended by adding thereto the following sections:

#### AMALGAMATIONS

Amalgama-  
tions of  
police forces

- 25a.—(1) Notwithstanding any other Act, two or more municipalities having police forces may enter into an agreement for the amalgamation of their police forces, and the agreement shall not take effect until it is approved by the Commission.

Agreement

- (2) An agreement under subsection 1 shall provide for,
- (a) the establishment and composition of a board for the amalgamated police forces;
  - (b) the amalgamation of the police forces into one police force for the amalgamated area and the appointment or transfer of the members thereof;
  - (c) the use and disposition of the assets and liabilities of the component police forces by the amalgamated board;

(d)

(d) the budgeting of the cost for the maintenance and operation of the amalgamated police force;

(e) any other matter necessary or advisable for the purpose of effecting the amalgamation of the police forces.

25b. Where two or more municipalities are amalgamated, the amalgamation of the police forces shall not take effect until the organization of the amalgamated police force has been approved by the Commission.

Approval of police force of amalgamated municipality

8. Section 39b of *The Police Act*, as enacted by section 4 of *The Police Amendment Act, 1962-63* and amended by section 12 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following clause:

R.S.O. 1960, c. 298, s. 39b (1962-63, c. 106, s. 4), amended

(fa) subject to the approval of the Attorney General, to establish and require the installation of an inter-communication system for the police forces in Ontario and to govern its operation and procedures.

9. Sections 45c and 45d of *The Police Act*, as enacted by section 1 of *The Police Amendment Act, 1960-61*, are repealed and the following substituted therefor:

R.S.O. 1960, c. 298, s. 45c (1960-61, c. 77, s. 1), re-enacted; s. 45d (1960-61, c. 77, s. 1), repealed

45c.—(1) An authority empowered to appoint members of a police force may appoint auxiliary members in a number approved by the Commission, but not exceeding the number of other members of the force.

Appointment of auxiliary police

(2) The appointment of an auxiliary member of a police force is subject to the approval of the Commission, and written notice of the suspension or termination of the appointment of an auxiliary member shall be forthwith transmitted to the Commission.

Approval of appointment and notice of termination

(3) Where an emergency exists or where the members of a police force are not adequate to meet a special occasion, the chief constable or the Commissioner, as the case may be, may authorize auxiliary members of the force to perform police duties, and while so authorized an auxiliary member becomes a constable and has authority to act as a constable of the force.

Authority

(4) Every authority appointing an auxiliary member of a police force shall require him to take and subscribe to an oath in a form prescribed by the regulations.

Oath



R.S.O. 1960,  
c. 298, s. 48,  
subs. 1,  
cl. a,  
amended

**10.**—(1) Clause *a* of subsection 1 of section 48 of *The Police Act* is amended by inserting after “investigation” in the fourth line “including the cost of reporting and transcribing the evidence”, so that the clause shall read as follows:

- (a) at the request of the council of any municipality, in which case the municipality, unless the Attorney General otherwise directs, shall pay the cost of the investigation, including the cost of reporting and transcribing the evidence; or

. . . . .

R.S.O. 1960,  
c. 298, s. 48,  
subs. 1,  
cl. b,  
amended

(2) Clause *b* of subsection 1 of the said section 48 is amended by inserting after “investigation” in the second line “including the cost of reporting and transcribing the evidence”, so that the clause shall read as follows:

- (b) without the request of the council of a municipality, in which case the cost of the investigation, including the cost of reporting and transcribing the evidence, shall be paid out of the Consolidated Revenue Fund.

R.S.O. 1960,  
c. 298, s. 48,  
amended

(3) The said section 48, as amended by subsections 1 and 3 of section 9 of *The Police Amendment Act, 1961-62* and section 16 of *The Police Amendment Act, 1964*, is further amended by adding thereto the following subsection;

Inquiry  
as to  
amalgama-  
tion of  
police  
forces

- (1a) The Commission may inquire into and report to the Attorney General on the advisability of amalgamating the police forces of any two or more municipalities and any question, matter or thing relating thereto.

R.S.O. 1960,  
c. 298, s. 48,  
amended

(4) The said section 48 is further amended by adding thereto the following subsection:

Counsel

- (2a) The Attorney General may, upon the request of the Commission, appoint counsel to assist the Commission in an inquiry or investigation under this section.

R.S.O. 1960,  
c. 298, s. 48,  
amended

(5) The said section 48 is further amended by adding thereto the following subsection:

Payment of  
witnesses

- (4) The Commission may grant to a person attending to give evidence at an inquiry or investigation under this section such fees and expenses as are set out in the Schedule to *The Crown Witnesses Act*.

R.S.O. 1960,  
c. 48

**11.** Section 56 of *The Police Act* is amended by striking out "active militia" in the second line and inserting in lieu thereof "Canadian army", so that the section shall read as follows: R.S.O. 1960,  
c. 298, s. 56,  
amended

56. The expenses of and incidental to the calling out of the Canadian army in aid of the civil powers shall be paid by the corporation of the city or separated town wherein their services are required, and in the case of other municipalities by the county. Canadian  
army,  
calling out

**12.**—(1) Subsection 1 of section 58 of *The Police Act* is amended by striking out "The Commissioner" at the commencement thereof and inserting in lieu thereof "Subject to section 46", so that the subsection shall read as follows: R.S.O. 1960,  
c. 298, s. 58,  
subs. 1,  
amended

(1) Subject to section 46, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as he deems expedient. Special  
constables

(2) Subsection 2 of the said section 58, as re-enacted by section 13 of *The Police Amendment Act, 1961-62* and amended by subsection 1 of section 21 of *The Police Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960,  
c. 298, s. 58,  
subs. 2,  
(1961-62,  
c. 105, s. 13)  
re-enacted

(2) The Commissioner may, by written authority, appoint any person to act as a special constable for such period, area and purpose as he deems expedient, and, notwithstanding section 46, such special constable may be authorized to act as a constable throughout Ontario. Appoint-  
ment by  
Commis-  
sioner

(2a) Every appointment as a special constable is subject to the approval of the Commission. Approval of  
Commission

**13.**—(1) Section 61 of *The Police Act* is amended by striking out "and the Attorney General shall preside over and have charge of the College" in the third and fourth lines, so that subsection 1 of the said section shall read as follows: R.S.O. 1960,  
c. 298, s. 61,  
amended

(1) There shall be a police college to be known as the Ontario Police College for the training of members of police forces. Ontario  
Police  
College

(2) The said section 61 is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 298, s. 61,  
amended

(2) The Commission shall operate the Ontario Police College and is responsible to the Attorney General therefor. Commission  
to operate  
College

R.S.O. 1960,  
c. 298, s. 62,  
subs. 1,  
amended

**14.**—(1) Subsection 1 of section 62 of *The Police Act* is amended by adding thereto the following clause:

- (aa) providing for the payment of fees and expenses to witnesses at hearings in connection with the discipline of police officers.

R.S.O. 1960,  
c. 298, s. 62,  
subs. 1, cl. b,  
re-enacted

(2) Clause *b* of subsection 1 of the said section 62 is repealed and the following substituted therefor:

- (b) governing the qualifications for the appointment of persons to police forces and for their promotion;
- (ba) establishing the ranks that shall be held by members of police forces;
- (bb) prescribing the form of oath that shall be taken by auxiliary members of police forces.

1961-62,  
c. 105,  
ss. 3, 4,  
repealed

**15.**—(1) Sections 3 and 4 of *The Police Amendment Act, 1961-62* are repealed.

1961-62,  
c. 105, s. 14,  
subs. 1,  
amended

(2) Subsection 1 of section 14 of *The Police Amendment Act, 1961-62* is amended by striking out “except sections 3 and 4” in the first line.

1961-62,  
c. 105, s. 14,  
subs. 2,  
repealed

(3) Subsection 2 of section 14 of *The Police Amendment Act, 1961-62* is repealed.

Commence-  
ment

**16.** This Act comes into force on the day it receives Royal Assent.

Short title

**17.** This Act may be cited as *The Police Amendment Act, 1965*.

## CHAPTER 100

**An Act to amend The Power Commission Act**

*Assented to June 22nd, 1965*  
*Session Prorogued Jun 22nd, 1965*

**H**E MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *c* of section 18 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 300, s. 18,  
cl. *c*,  
re-enacted

(*c*) to purchase for sinking fund purposes, and from time to time vary, securities which the Commission is authorized to purchase under section 20.

**2.** Section 20 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 300, s. 20,  
re-enacted

20.—(1) The Commission, whenever it deems it advisable for the sound and efficient management of its general fund, may from time to time, in its discretion and on such terms and conditions as it may deem advisable, purchase, acquire, hold and sell or otherwise dispose of any of the following securities: Management  
of funds

1. The bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or Ontario or any other province of Canada.

2. The bonds, debentures or other evidences of indebtedness of the United States of America.

3. The bonds, debentures or other evidences of indebtedness of corporations referred to in clauses *c*, *d*, *e*, *f*, *h* and *j* of subsection 2 of section 208 of *The Corporations Act* and in R.S.O. 1960,  
c. 71 which joint stock insurance companies may invest their funds.

4. The deposit receipts, deposit notes, certificates of deposit and other similar instruments issued by any chartered bank to which the *Bank Act* (Canada) applies.

1953-54,  
c. 48 (Can.)

5. The guaranteed investment certificates of any trust company that is registered under *The Loan and Trust Corporations Act*.

R.S.O. 1960,  
c. 222

Deposit of  
funds

- (2) The Commission may deposit from time to time any part of its general fund in any chartered bank of Canada or in any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act* on such terms and conditions and for such periods as the Commission may deem expedient.

R.S.O. 1960,  
c. 300, s. 21,  
subs. 6,  
cl. d,  
amended

- 3.—(1) Clause *d* of subsection 6 of section 21 of *The Power Commission Act* is amended by inserting after “previous” in the second line “or subsequent”, so that the clause shall read as follows:

- (d) prescribing the period of employment with the Commission alone, or with a previous or subsequent employer and the Commission, that constitutes service for the purpose of determining pension benefits.

R.S.O. 1960,  
c. 300, s. 21,  
subs. 7,  
re-enacted

- (2) Subsection 7 of the said section 21 is repealed and the following substituted therefor:

Cost to  
Commission  
chargeable to  
adminis-  
tration

- (7) The fund shall be maintained and administered by the Commission, and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and is chargeable accordingly, and the Commission may invest in, purchase, acquire, hold and sell investments and loans authorized by *The Pension Benefits Act, 1962-63* and any regulations made thereunder.

1962-63,  
c. 103

R.S.O. 1960,  
c. 300, s. 55,  
re-enacted

4. Section 55 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1961-62*, is repealed and the following substituted therefor:

General  
borrowing  
powers

- 55.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may borrow from time to time such sums of money as it may deem requisite for any of its purposes and, for the purpose of such borrowing, may issue notes, bonds, debentures and other securities bearing interest at such rate or rates, and payable as to principal, interest, and premium if any, at such time or times and in such manner and in such place or places in Canada or elsewhere, and in the currency of such country or countries, as the Commission may

determine,



determine, and such notes, bonds, debentures and other securities may be made redeemable in advance of maturity, at such time or times, and at such price or prices, and in such manner, and either with or without premium, as the Commission may determine at the time of the issue thereof.

- (2) Where, pursuant to subsection 1, the Commission, <sup>Idem</sup> with the approval of the Lieutenant Governor in Council, has passed a resolution authorizing the borrowing of money by the issue from time to time of notes, bonds, debentures or other securities maturing not later than three years from the respective dates thereof and bearing interest at a rate or rates not exceeding the maximum rate of interest specified in the resolution, the Commission without any further approval of the Lieutenant Governor in Council may subsequently and from time to time authorize the issue of such notes, bonds, debentures or other securities, within the maximum principal amount prescribed by such resolution, bearing such respective dates, maturing not later than three years from such respective dates, and bearing interest at such respective rates not exceeding the said maximum interest rate, as the Commission in its discretion may from time to time determine.
- (3) The purposes of the Commission, without limiting <sup>Purposes of Commission</sup> the generality thereof, include,
- (a) repayment on account of the advances by the Province to the Commission;
  - (b) payment in whole or in part of any notes, bonds, debentures or other securities of the Commission issued and delivered to the Treasurer of Ontario in respect of any advances from the Province to the Commission;
  - (c) payment, refunding or renewal from time to time of the whole or any part of any loan raised or securities issued by the Commission under this or any other Act;
  - (d) payment of the whole or any part of any loan or of any liability or of any notes, bonds, debentures or other securities, payment whereof is guaranteed or assumed by the Commission;

(e)

(e) payment of the whole or any part of any other liability or indebtedness of the Commission;

(f) carrying out any of the powers and purposes of the Commission referred to in sections 24 to 29, 38 and 86, or carrying out any of the powers and purposes of the Commission referred to in *The Niagara Development Act, 1951* or in *The St. Lawrence Development Act, 1952 (No. 2)* providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.

1951, c. 55  
1952  
(2nd Sess.),  
c. 3

Resolution  
conclusive

(4) Where a resolution of the Commission authorizing the issue of securities contains a recital or declaration that the amount of the securities so authorized is necessary to realize the net sum required for the purposes of the Commission, the recital or declaration is conclusive evidence of the facts stated therein.

Commission  
may sell  
or pledge

(5) The Commission may sell or otherwise dispose of any such notes, bonds, debentures and other securities at such price or prices, and on such terms and conditions, as it deems advisable, and either at the par value thereof or at less or more than the par value thereof, and may charge, pledge, hypothecate, deposit or otherwise deal with any such securities as collateral security.

Reissue of  
securities

(6) Any such securities dealt with as collateral security when redelivered to the Commission or its nominees on or after payment, satisfaction, release or discharge in whole or in part of any indebtedness or obligation for which such securities may have been given as collateral, or when the Commission again becomes entitled to such securities, may be treated by the Commission as unissued and may be issued, reissued, charged, pledged, hypothecated, deposited, dealt with as collateral security, sold or otherwise disposed of from time to time upon such terms and conditions as the Commission deems advisable, or at its option may be cancelled and fresh securities to the like amount and in like form may be issued in lieu thereof with the like consequences, and upon

such

such issue or reissue any person entitled thereto has the same rights and remedies as if the same had not been previously issued.

- (7) The Commission on such terms and conditions as it deems advisable may charge, pledge, hypothecate, deposit or otherwise deal with as collateral security any notes, bonds, debentures or other securities purchased by it under section 20. Commission may pledge securities
- (8) The notes, bonds, debentures and other securities of the Commission shall be in such form or forms and in such denomination or denominations and shall be executed in such manner and by such persons as the Commission may determine. Form and execution of securities
- (9) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and that any signatures upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon. Reproduction of seal and signatures
- (10) The seal of the Commission when so mechanically reproduced has the same force and effect as if manually affixed, and such mechanically reproduced signatures are for all purposes valid and binding upon the Commission notwithstanding that a person whose signature is so reproduced has ceased to hold office before the date of the security or before its issue. Effect of mechanical reproduction of seal and signatures

5. Section 56 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 300, s. 56, re-enacted

- 56.—(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal and interest of any notes, bonds, debentures or other securities issued by the Commission, and the form and manner of any such guarantee or guarantees shall be such as the Lieutenant Governor in Council approves, and the guarantee or guarantees shall be signed by the Treasurer of Ontario or the Deputy Provincial Treasurer or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province becomes liable for the payment of the principal and interest of the notes, bonds, debentures or other

securities

securities guaranteed according to the tenor thereof, and the Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of the guarantee or guarantees and to advance the amount necessary for that purpose out of the public funds of the Province, and, in the hands of any holder of any such notes, bonds, debentures or other securities, any guarantee so signed is conclusive evidence that the terms of this section have been complied with.

Signatures  
may be  
mechan-  
ically  
reproduced

- (2) The signature of the Treasurer of Ontario or of the Deputy Provincial Treasurer or of such other officer or officers provided for in subsection 1 may be engraved, lithographed, printed or otherwise mechanically reproduced, and the mechanically-reproduced signature of any such person shall be deemed for all purposes to be the signature of such person and is binding upon the Province notwithstanding that the person whose signature is so reproduced may not have held office at the date of the notes, bonds, debentures or other securities or at the date of the delivery thereof and notwithstanding any change in any of the persons holding any such office between the time when any such signature is affixed and the date of delivery of the notes, bonds, debentures or other securities.

R.S.O. 1960,  
c. 300,  
amended

6. *The Power Commission Act* is amended by adding thereto, under the heading "BUSINESS OPERATIONS", the following section:

Business of  
Commission

- 58a. The purposes and business of the Commission include the generation, transmission, distribution, supply, sale and use of power and, except with respect to the exercise of powers requiring the prior authority of the Lieutenant Governor in Council under this Act, the Commission has power and authority to do all such things as in its opinion are necessary, usual or incidental to the furtherance of such purposes and to the carrying on of its business.

R.S.O. 1960,  
c. 300, s. 97,  
subs. 11,  
cl. b,  
amended

7. Clause *b* of subsection 11 of section 97 of *The Power Commission Act* is amended by striking out "shall be liable to a fine of not less than \$10 and not more than \$50" in the fourth and fifth lines and inserting in lieu thereof "is liable to a fine of not less than \$25 and not more than \$500", so that the clause shall read as follows:

- (b) refusing or neglecting to comply with this section, or with any regulation, plan or specification made

under

under its authority is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500 for each offence.

**8.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**9.** This Act may be cited as *The Power Commission Amend-* <sup>Short title</sup>  
*ment Act, 1965.*





CHAPTER 101

An Act to amend The Private Hospitals Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *aa* of section 1 of *The Private Hospitals Act*, as relettered by section 1 of *The Private Hospitals Amendment Act, 1962-63*, is amended by striking out "Hospital Services Commission of Ontario" in the first and second lines and inserting in lieu thereof "Ontario Hospital Services Commission", so that the clause shall read as follows:

R.S.O. 1960,  
c. 305, s. 1,  
cl. *aa*,  
amended

(*aa*) "Commission" means the Ontario Hospital Services Commission.

2. *The Private Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 305,  
amended

14*a*. No person shall be employed as an interne in a private hospital unless he is registered under *The Medical Act*.

Interne  
R.S.O. 1960,  
c. 234

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The Private Hospitals Amendment Act, 1965*.

Short title



## CHAPTER 102

**The Private Investigators and  
Security Guards Act, 1965**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "Commissioner" means the Commissioner of the Ontario Provincial Police Force;
- (b) "licence" means a licence under this Act;
- (c) "licensee" means the holder of a licence under this Act;
- (d) "private investigator" means a person who investigates and furnishes information for hire or reward, including a person who,
  - (i) searches for and furnishes information as to the personal character or actions of a person, or the character or kind of business or occupation of a person,
  - (ii) searches for offenders against the law, or
  - (iii) searches for missing persons or property;
- (e) "Registrar" means the Registrar of Private Investigators and Security Guards;
- (f) "regulations" means the regulations made under this Act;
- (g) "security guard" means a person who, for hire or reward, guards or patrols for the purpose of protecting persons or property. R.S.O. 1960, c. 306, s. 1, *amended*.

Application  
of Act

**2.** This Act does not apply to,

- (a) barristers or solicitors in the practise of their profession or their employees;
- (b) persons who search for and furnish information,
  - (i) as to the financial credit rating of persons,
  - (ii) to employers as to the qualifications and suitability of their employees or prospective employees, or
  - (iii) as to the qualifications and suitability of applicants for insurance and indemnity bonds,
 and who do not otherwise act as private investigators;
- (c) members of the Corps of Commissionaires while acting within the objects of its incorporation;
- (d) a person who is acting as a peace officer;
- (e) insurance adjusters and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (f) insurance companies and their employees licensed under *The Insurance Act* while acting in the usual and regular scope of their employment;
- (g) private investigators and security guards who are permanently employed by one employer in a business or undertaking other than the business of providing private investigators or security guards and whose work is confined to the affairs of that employer;
- (h) employees of a municipality as defined in *The Department of Municipal Affairs Act* while acting within the scope of their employment;
- (i) persons residing outside Ontario who are *bona fide* employees of private investigation or security guard agencies licensed or registered in a jurisdiction outside Ontario who,
  - (i) on behalf of an employer or client who resides outside Ontario, make an investigation or inquiry partly outside Ontario and partly within Ontario, and
  - (ii) come into Ontario solely for the purpose of such investigation or inquiry; and

R.S.O. 1960,  
c. 190

R.S.O. 1960,  
c. 98

(j)



- (j) any class of persons exempted by the regulations.  
R.S.O. 1960, c. 306, s. 2, *amended*.

**3.** There shall be a Registrar of Private Investigators and Security Guards who may exercise the powers and shall discharge the duties vested in or imposed upon him by this Act or the regulations, under the direction of the Commissioner.  
*New.*

**4.—(1)** No person shall,

Licences

- (a) engage in the business of providing private investigators or security guards;
- (b) operate a branch office or place at which the public is invited to deal in the conduct of the business of providing private investigators or security guards; or
- (c) act as a private investigator or security guard,

unless he is the holder of a licence therefor. R.S.O. 1960, c. 306, ss. 3, 4, *amended*.

(2) No person shall hold himself out as acting as a private investigator or a security guard or as being engaged in the business of providing private investigators or security guards unless he is licensed under this Act. R.S.O. 1960, c. 306, s. 5, *amended*.

**5.—(1)** Every applicant for a licence to engage in the business of providing private investigators or security guards shall apply to the Registrar for the licence and the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees and a bond in the prescribed amount and form. R.S.O. 1960, c. 306, s. 6 (1), *amended*.

(2) The bond shall be,

Type of bond

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security.

R.S.O. 1960, c. 168

(3) The collateral security shall be negotiable securities of the classes prescribed by the regulations, not less in value than the sum secured by the bond, and shall be deposited with the Treasurer of Ontario. R.S.O. 1960, c. 306, s. 6 (2, 3).

Collateral security

Employer  
to ensure  
employees  
licensed

(4) No person engaged in the business of providing private investigators or security guards shall employ as a private investigator or security guard a person who is not the holder of a licence. *New.*

Address for  
service

6.—(1) Every applicant for a licence shall state in the application an address for service in Ontario, and all notices under this Act or the regulations are sufficiently given or served for all purposes if sent by registered mail or delivered to the latest address for service so stated. *New.*

Notice of  
changes in  
business

(2) Every person licensed to engage in the business of providing private investigators or security guards shall within five days notify the Registrar in writing of,

(a) any change in his address for service or in the address of any place at which he carries on business or at which he invites the public to deal;

(b) any change in the officers or members in the case of an association of individuals, partnership or corporation; and

(c) any termination of employment of a private investigator or security guard. R.S.O. 1960, c. 306, s. 12, *amended.*

Investiga-  
tion of  
applicant

7.—(1) The Registrar or any person authorized by him may make such inquiry and investigation as he deems sufficient regarding the character, financial position and competence of an applicant or licensee and may require an applicant to try such examinations to determine competence as the Registrar deems necessary. *New.*

Further  
information

(2) The Registrar may require further information or material to be submitted by an applicant or a licensee and may require verification by affidavit or otherwise of any information or material then or previously submitted. R.S.O. 1960, c. 306, s. 6 (4), *amended.*

Issuance  
of licence

8.—(1) The Registrar shall issue a licence or renewal of a licence where in the opinion of the Registrar the proposed licensing is not against the public interest, and the licence may be subject to terms and conditions. R.S.O. 1960, c. 306, s. 7, *part, amended.*

Hearings

(2) The Registrar shall not refuse to grant or refuse to renew a licence without giving the applicant an opportunity to be heard. *New.*

**9.**—(1) Where a person applies for a licence to act as a <sup>Temporary licence</sup> private investigator or security guard, the Registrar may, pending his decision, issue a temporary licence to so act for a period stated in the licence but not exceeding three months. *New.*

(2) Where a person who is licensed to engage in the business <sup>Idem</sup> of providing private investigators or security guards dies, the Registrar may grant to his executor or administrator a temporary licence, and all licensed employees of a deceased licensee at the time of his death shall be deemed to be licensed as employees of such executor or administrator. R.S.O. 1960, c. 306, s. 8 (1, 2), *amended.*

(3) Every temporary licence terminates in accordance with <sup>Termination of temporary licences</sup> the regulations. R.S.O. 1960, c. 306, s. 9 (3).

**10.** A licence is not transferable. *New.*

<sup>Transfers</sup>

**11.**—(1) Every licence and renewal of licence, other than <sup>Expiry of licences</sup> a temporary licence, expires on the 31st day of March in each year. R.S.O. 1960, c. 306, s. 9 (1), *part, amended.*

(2) Every applicant for renewal of a licence to engage in <sup>Renewals</sup> the business of providing private investigators or security guards shall, on or before the 1st day of March in each year, apply to the Registrar for the renewal of the licence and the renewal of the licences for each branch office and each employee who is a private investigator or security guard, if any, upon the prescribed form which shall be accompanied by the prescribed fees. R.S.O. 1960, c. 306, s. 9 (1), *part, amended.*

**12.** Immediately upon the receipt of a licence to engage <sup>Displaying licence</sup> in the business of providing private investigators or security guards, the licensee shall cause it to be displayed in a conspicuous place in the office or branch office of the business for which it is issued. R.S.O. 1960, c. 306, s. 11, *amended.*

**13.**—(1) The licence of a private investigator or security <sup>Cancellation of licence on termination of employment</sup> guard is cancelled upon the termination of the employment in respect of which it was issued.

(2) When a licensed private investigator or security guard <sup>Idem</sup> ceases to be employed as such, he shall give his licence and identification card immediately to his employer who shall forward them to the Registrar.

(3) Every person who is licensed to engage in the business <sup>Surrender of licences and identification cards</sup> of providing private investigators or security guards shall immediately upon the termination of such business forward

to the Registrar his licence and identification card together with the licences and identification cards of his employees. R.S.O. 1960, c. 306, s. 9 (2), *amended*.

Suspension  
and cancel-  
lation

**14.** The Registrar may, after giving the licensee an opportunity to be heard, suspend or cancel a licence where,

1953-54,  
c. 51 (Can.)

(a) the licensee is convicted of an offence under the *Criminal Code* (Canada) or under this Act or the regulations;

(b) the licensee is in breach of a term or condition of the licence; or

(c) in the opinion of the Registrar, to do so is in the public interest. R.S.O. 1960, c. 306, s. 7, *part, amended*.

Reasons

**15.** Where the Registrar refuses to grant a licence or renewal of a licence, or suspends or cancels a licence, he shall, upon the request of the person whose licence or right to a licence is affected, give written reasons for his decision. *New*.

Further  
application

**16.** A further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. *New*.

Complaints

**17.**—(1) Where the Registrar receives a complaint in respect of the carrying on of the business of providing private investigators or security guards and so requests in writing, the person carrying on the business shall furnish the Registrar with such information respecting the matter complained of as the Registrar requires.

Inspection  
of records

(2) For the purposes of subsection 1, the Registrar or any person designated in writing by him may at any time make an inspection of the books, documents and records of any licensee.

Access

(3) Upon an inspection under subsection 2, the person inspecting is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the licensee, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection. *New*.

Information  
confiden-  
tial

**18.** Any information received by the Registrar or the Commissioner in connection with an application or a record or return required under this Act or in the course of an inquiry



or investigation authorized by this Act shall not be disclosed without the consent of the Commissioner. *New.*

**19.**—(1) The Registrar shall serve upon any person, who in the opinion of the Registrar is affected thereby, a notice of every direction, decision, order or ruling of the Registrar. <sup>Notice of direction, decision, etc.</sup>

(2) Where a service under subsection 1 is made upon a person who is not a licensee, the service may be made by sending the notice by registered mail to the last-known address of the person to be served. *New.* <sup>Service</sup>

**20.**—(1) Any person whose licence or right to a licence is affected by a decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the notice under section 19, request a hearing and review of the matter by the Commissioner. <sup>Review</sup>

(2) Where a hearing and review are requested, the Commissioner shall serve notice upon the person who requested the review notifying him of the time and place of the hearing which shall be within thirty days of the serving of the notice under subsection 1, except with the consent of the person who requested the review. <sup>Notice of hearing</sup>

(3) Upon a review, the Commissioner shall hear such evidence as is submitted to him that in his opinion is relevant to the matter in dispute, and all oral evidence submitted shall be taken down in writing and, together with such documentary evidence and things as are received in evidence by him, forms the record. <sup>Evidence</sup>

(4) Upon a review, the Commissioner may, <sup>Evidence on review</sup>

(a) administer oaths to witnesses and require them to give evidence under oath; and

(b) require to have issued out of the Supreme Court a writ of subpoena *ad testificandum* or a writ of subpoena *duces tecum* which the court shall issue, but no person shall be compelled under any such writ to produce any document that he would not be compellable to produce on the trial of an action.

(5) Upon a review, the Commissioner may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the Commissioner deems proper and for this purpose the Commissioner may substitute his opinion for that of the Registrar. <sup>Decision of Commissioner</sup>



Notice of  
decision and  
reasons

(6) Notice of the decision of the Commissioner made upon a review shall be served forthwith upon the person who requested the review.

Reasons

(7) Upon the request of the person who requested a review, the Commissioner shall give written reasons for his decision made upon the review. *New.*

Appeal

**21.**—(1) Where the Commissioner has reviewed a decision and given his decision upon the review, the person who requested the review may appeal from the decision to a justice of appeal of the Court of Appeal.

Form of  
appeal

(2) Every appeal shall be by notice of motion served upon the Commissioner within thirty days after the delivery of the notice of decision under subsection 6 of section 20, and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action.

Material  
on appeal

(3) The Commissioner shall certify to the Registrar of the Supreme Court,

(a) the decision that has been reviewed by him;

(b) his decision upon the review, together with his reasons therefor;

(c) the record of the review; and

(d) all written submissions to him and other material received by him in connection with the review.

Counsel

(4) The Attorney General may designate counsel to assist the judge upon the hearing of an appeal under this section.

Decision  
of judge

(5) Upon an appeal, the judge may by his order direct the Registrar to make such decision as the Registrar is authorized to make under this Act and as the judge deems proper, and for this purpose the judge may substitute his opinion for that of the Registrar and the Commissioner.

Appeal  
final

(6) The order of the judge is final, but a further application for a licence may be made upon new or other evidence or where it is clear that material circumstances have changed. *New.*

Right to  
counsel

**22.** Every person whose licence or right to a licence may be affected by a hearing under this Act is entitled to be represented by counsel at the hearing. *New.*

**23.**—(1) No person engaged in any business or employment, whether licensed under this Act or otherwise, shall use the expression “private detective” in connection with such business or employment or hold himself out in any manner as a private detective. R.S.O. 1960, c. 306, s. 15, *amended*. Use of expression “private detective”, prohibited

(2) No person shall engage in the business of providing private investigators or security guards in a name other than that in which he is licensed. *New*. Name of business

**24.** No person shall divulge to anyone, except as is legally authorized or required, any information acquired by him as a private investigator. R.S.O. 1960, c. 306, s. 16. Information to be confidential

**25.**—(1) No person acting as a private investigator shall have in his possession or display any badge, shield, card or other identification or evidence of authority except, Means of identification

(a) the prescribed identification card issued under this Act; and

(b) a business card containing no reference to licensing under this Act. R.S.O. 1960, c. 306, s. 13 (1), *amended*.

(2) Every private investigator shall, while investigating, carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person. R.S.O. 1960, c. 306, s. 13 (2), *amended*. Identification card to be carried

(3) No private investigator who is also licensed as a security guard shall act as a private investigator while in uniform. *New*. Use of uniform

**26.** No person shall act as a private investigator unless he is twenty-one years of age or over and no person shall act as a security guard unless he is eighteen years of age or over. *New*. Age limit

**27.** Every security guard shall wear a uniform while acting as a security guard. Uniforms

**28.**—(1) Every security guard while on duty shall carry on his person the prescribed identification card issued to him under this Act and shall produce it for inspection at the request of any person. Identification card

(2) No security guard while on duty shall have in his possession or display any evidence of authority except his uniform and the prescribed identification card issued under this Act. *New*. Evidence of authority

Licensees  
not to be  
collectors  
or bailiffs

**29.** No licensee shall act as a collector of accounts or bailiff, or undertake, or hold himself out, or advertise as undertaking, to collect accounts or act as a bailiff for any person either with or without remuneration. R.S.O. 1960, c. 306, s. 17, *amended*.

Holding  
out as  
police

**30.** No licensee shall hold himself out in any manner as performing or providing services or duties connected with police. *New*.

Advertising

**31.** Where, in the opinion of the Registrar, any person licensed under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material. *New*.

Offences

**32.—**(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) fails to comply with any order, direction or other requirement made under this Act or the regulations; or
- (c) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. R.S.O. 1960, c. 306, s. 18, *amended*.

Corpora-  
tions

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$25,000 and not as provided therein.

Consent of  
Attorney  
General

(3) No proceedings under this section shall be instituted except with the consent of the Attorney General.

Limitation

(4) No proceedings under this section shall be commenced more than one year after the facts upon which the proceedings are based first came to the knowledge of the Commissioner. *New*.

Certificate  
as evidence

**33.** A statement as to,

- (a) the licensing or non-licensing of any person;

(b)

- (b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;
- (c) the time when the facts upon which proceedings are based first came to the knowledge of the Commissioner; or
- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing or to any such person, document or material,

purporting to be certified by the Commissioner is, without proof of the office or signature of the Commissioner, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution. *New.*

**34.** The Lieutenant Governor in Council may make regu- Regulations  
lations,

- (a) prescribing the classes of persons who shall be exempt from this Act or from any provision thereof, in addition to those classes of persons mentioned in section 2;
- (b) prescribing forms and providing for their use;
- (c) requiring the payment of fees in connection with the issuance or renewal of licences and prescribing the amounts thereof;
- (d) governing the procedure for the issuance of licences and renewals and prescribing the terms and conditions thereof;
- (e) prescribing the amount and form of bonds to be furnished under this Act, the classes of securities that are acceptable as collateral security, the conditions of forfeiture of bonds, the conditions upon which bonds may be cancelled, the period that bonds shall subsist, and respecting all matters subsequent to forfeiture;
- (f) prescribing the form and contents of identification cards for licensees and providing for the issuance thereof;
- (g) requiring the keeping of such books and records and the furnishing of such information and returns by licensees as are prescribed;

(h)

- (h) governing the uniforms, badges and insignia that shall be worn by security guards;
- (i) governing contracts entered into by persons engaged in the business of providing private investigators or security guards with persons who engage their services;
- (j) governing the method of terminating the business of providing private investigators or security guards;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1960, c. 306, s. 19, *amended*.

Existing  
licences  
R.S.O. 1960,  
c. 306

**35.** Every licence issued under *The Private Investigators Act* that is subsisting immediately before this Act comes into force shall continue to subsist until,

- (a) it is suspended or cancelled;
- (b) it is replaced by a licence under this Act; or
- (c) the 31st day of March, 1966,

whichever occurs first.

R.S.O. 1960,  
c. 306;  
1961-62,  
c. 109,  
repealed

**36.** *The Private Investigators Act* and *The Private Investigators Amendment Act, 1961-62* are repealed.

Commence-  
ment

**37.** This Act comes into force on the 1st day of October, 1965.

Short title

**38.** This Act may be cited as *The Private Investigators and Security Guards Act, 1965*.



CHAPTER 103

An Act to amend The Probation Act

Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 1, 2 and 3 of section 1 of *The Probation Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 308, s. 1,  
subss. 1, 2,  
re-enacted;  
subs. 3,  
repealed
- (1) Such probation officers as are deemed necessary for the purposes of this Act shall be appointed under *The Public Service Act, 1961-62.*

Appointment of probation officers  
1961-62,  
c. 121
- (2) Every probation officer appointed in accordance with subsection 1 is a probation officer in and for the Province of Ontario and shall perform his duties in such part of Ontario as is assigned to him from time to time by the Attorney General.

Jurisdiction
- (2) Subsection 4 of the said section 1 is amended by striking out “appointed under this Act” in the first line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 308, s. 1,  
subss. 4,  
amended
- (4) A probation officer shall be deemed to be an officer of every court in the part of Ontario to which he is assigned and shall carry out the directions of the judges and magistrates presiding in such courts.

Status
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The Probation Amendment Act, 1965.*

Short title



## CHAPTER 104

**An Act to amend  
The Proceedings Against the Crown Act, 1962-63**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Proceedings Against the Crown Act, 1962-63* is <sup>1962-63,</sup> amended by adding thereto the following section: <sup>c. 109,</sup> <sup>amended</sup>

- 6a.**—(1) Subject to subsection 3, except in the case of <sup>Notice of</sup> a counterclaim or claim by way of set-off, no action <sup>claim</sup> for a claim shall be commenced against the Crown unless the claimant has, at least sixty days before the commencement of the action, served on the Crown a notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose, and the Attorney General may require such additional particulars as in his opinion are necessary to enable the claim to be investigated.
- (2) Where a notice of a claim is served under subsection 1 <sup>Limitation</sup> before the expiration of the limitation period <sup>period</sup> applying to the commencement of an action for the claim and the sixty-day period referred to in subsection 1 expires after the expiration of the limitation period, the limitation period is extended to the end of seven days after the expiration of the sixty-day period. <sup>extended</sup>
- (3) No proceedings shall be brought against the Crown <sup>Notice of</sup> under clause *c* of subsection 1 of section 5 unless the <sup>claim for</sup> notice required by subsection 1 is served on the <sup>breach of</sup> Crown within ten days after the claim arose. <sup>duty</sup> <sup>respecting</sup> <sup>property</sup>

**2.** Section 10 of *The Proceedings Against the Crown Act*, <sup>1962-63,</sup> *1962-63* is repealed and the following substituted therefor: <sup>c. 109, s. 10,</sup> <sup>re-enacted</sup>

10. In proceedings against the Crown, the rules of the <sup>Discovery</sup> court in which the proceedings are pending as to

discovery

discovery and inspection of documents and examination for discovery apply in the same manner as if the Crown were a corporation, except that,

- (a) the Crown may refuse to produce a document or to answer a question on the ground that the production or answer would be injurious to the public interest;
- (b) the person who shall attend to be examined for discovery shall be an official designated by the Deputy Attorney General; and
- (c) the Crown is not required to deliver an affidavit on production of documents for discovery and inspection, but a list of the documents that the Crown may be required to produce, signed by the Deputy Attorney General, shall be delivered.

1962-63,  
c. 109, s. 19,  
repealed

**3.** Section 19 of *The Proceedings Against the Crown Act, 1962-63* is repealed.

Commence-  
ment

**4.** This Act comes into force on the 1st day of July, 1965.

Short title

**5.** This Act may be cited as *The Proceedings Against the Crown Amendment Act, 1965*.

CHAPTER 105

An Act to amend  
The Psychologists Registration Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Psychologists Registration Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 316, s. 6,  
amended

(2) The Board in its discretion may waive examination of a candidate for registration if the candidate holds a diploma granted by the American Board of Examiners in Professional Psychology or has been certified or registered by the examining board of another province, state or country whose standards are deemed by the Board to be at least the equivalent of the standards established by this Act. Where  
Board  
may  
dispense  
with  
examination

2. *The Psychologists Registration Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 316,  
amended

10a.—(1) The Board may keep a register to be known as the “temporary register”, in which shall be entered the name of every person who has received a degree within the meaning of section 6 or 7 but who has not met all the other requirements specified in section 6 or 7, as the case may be. Temporary  
register

(2) The temporary register shall be open to inspection by any person upon reasonable notice to the Board. Inspection

(3) Upon granting registration in the temporary register, the Board may fix the fee payable by the person so registered and the conditions, limitations and restrictions applicable to such person. Conditions  
of  
registration

(4) Upon any person so registered ceasing to comply with the conditions, limitations or restrictions applicable to such person, the Board may remove the name of the person from the temporary register. Removal  
of name



R.S.O. 1960,  
c. 316, s. 11,  
subs. 3,  
amended

**3.** Subsection 3 of section 11 of *The Psychologists Registration Act* is amended by adding at the end thereof "or to a person registered in the temporary register under section 10a", so that the subsection shall read as follows:

**Exceptions**

(3) This section does not apply to a duly qualified medical practitioner or to a person in the course of his employment by the Government of Canada, the Government of Ontario or a university, or to a person registered in the temporary register under section 10a.

**Short title**

**4.** This Act may be cited as *The Psychologists Registration Amendment Act, 1965*.

## CHAPTER 106

## An Act to amend The Public Health Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 6 of *The Public Health Act*, as amended by section 1 of *The Public Health Amendment Act, 1961-62*, subsection 2 of section 1 of *The Public Health Amendment Act, 1962-63* and section 1 of *The Public Health Amendment Act, 1964*, is further amended by renumbering paragraph 28a in the amendment of 1962-63 as paragraph 29c and by adding thereto the following paragraphs:

- 29a. prohibiting the sale or offering for sale of upholstered furniture or stuffed articles unless such furniture or articles have been manufactured by a manufacturer registered by the Department in accordance with the regulations, and prohibiting the renovation of upholstered furniture or stuffed articles unless the upholsterer is so registered by the Department, and providing for the renewal and cancellation of such registration and for fixing the fees payable for such registration and the renewal thereof; upholstered furniture or stuffed articles
- 29b. governing, regulating and prohibiting the procurement, transportation, handling and sale of water for human consumption by tank truck or otherwise, and requiring the approval of the medical officer of health to the procurement, transportation, handling and sale of such water. sale of drinking water

**2.** Subsection 2 of section 24 of *The Public Health Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 321, s. 24, subs. 2, re-enacted

- (2) Where a local board in a municipality in which a sewerage system has been established, Installation of sanitary conveniences, etc., by municipality
- (a) recommends that sanitary conveniences or suitable connections with water service should be installed in any building; and

(b)

- (b) is of the opinion that the owner of the premises is unable or unwilling to pay the expense of such installation at once,

the municipality may install suitable conveniences and construct private drain connections required to connect such sanitary conveniences with the common sewers of the municipality, or may install a water service pipe with the necessary connections to give a proper supply of water to the premises at the expense of the owner.

Idem,  
payment  
of cost

- (2a) The municipality may direct that the cost of the conveniences and connections mentioned in subsection 2, including interest at a rate of not more than 6 per cent on the deferred payments, be paid by the owner in equal successive annual payments extending over a period of not more than five years, and may direct that such payments be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes.

R.S.O. 1960,  
c. 321, s. 35a  
(1962-63,  
c. 113, s. 3),  
amended

- 3.** Section 35a of *The Public Health Act*, as enacted by section 3 of *The Public Health Amendment Act, 1962-63*, is amended by adding thereto the following subsection:

Extension of  
separated  
health units

- (1a) With the approval of the Minister, a separated local board may enter into an agreement with the council of a county or other municipality mentioned in subsection 2 of section 35 for such county or other municipality to form part of the separated health unit.

R.S.O. 1960,  
c. 321  
amended

- 4.** *The Public Health Act* is amended by adding thereto the following section:

#### USE OF DRUGS

Interpre-  
tation

- 55a.—(1) In this section,

- (a) “designated drug” means a drug,
- (i) for which a standard has been prescribed under legislation applicable to the advertising and sale of drugs,
  - (ii) for which a standard is contained in a publication mentioned in Schedule C, or
  - (iii) designated by the regulations;

(b)

(b) "designated human ailment" means a human ailment designated by the regulations;

(c) "drug" means a substance or mixture of substances for the treatment of human ailments.

(2) This section does not apply to,

Where  
section  
not to  
apply

(a) a duly qualified medical practitioner;

(b) a person engaged in *bona fide* research, experimentation or the treatment of patients or other persons if carried on under the supervision of a duly qualified medical practitioner in a hospital or sanatorium referred to in clause *b* of subsection 2 of section 20 of *The Medical Act* or any institution operated by or affiliated with a university.

R.S.O. 1960,  
c. 234

(3) Except as provided by the regulations, no person shall use or permit to be used any drug other than a designated drug in the treatment of a designated human ailment.

Use of  
certain  
drugs  
prohibited

(4) The Minister, for the purpose of this section, may appoint any person on the staff of the Department or any other person as an inspector for such time as the Minister may designate.

Appoint-  
ment of  
inspectors

(5) An inspector appointed under subsection 4 may enter any place in which he believes on reasonable grounds that a drug is being used contrary to subsection 3, and he may search for and examine any such drug and take and remove it or a sample thereof.

Powers of  
inspectors

(6) The owner or person in charge of the place entered by an inspector appointed under subsection 4 and every person therein shall give the inspector all reasonable assistance and furnish him with such information as he may reasonably request.

Assistance  
to  
inspectors

(7) No person shall obstruct an inspector appointed under subsection 4 in the performance of his duties.

Obstruction  
of  
inspectors

(8) Any person who contravenes any provision of this section is guilty of an offence and, for a first offence, on summary conviction is liable to a fine of not less than \$200 and not more than \$500 and, for a subsequent offence, on summary conviction is liable to a fine of not less than \$500 and not more than \$2,500.

Offences

- Onus of proof      (9) In a prosecution for the use of a drug in contravention of subsection 3, the burden of proof that a drug is a designated drug is upon the person charged.
- Regulations      (10) The Lieutenant Governor in Council may make regulations,
- (a) designating human ailments and drugs for the purposes of this section;
  - (b) prescribing terms and conditions under which a drug other than a designated drug may be used in the treatment of a designated human ailment;
  - (c) adding any publication or deleting any publication from the list of publications in Schedule C.
- No additional rights to treat human ailments      (11) Nothing in this section shall be deemed to confer upon any person any rights in the treatment of human ailments that he does not otherwise possess.
- R.S.O. 1960, c. 321, s. 116, subs. 2, amended      **5.** Subsection 2 of section 116 of *The Public Health Act* is amended by striking out "\$5" in the eighth line and inserting in lieu thereof "\$25".
- R.S.O. 1960, c. 321, amended      **6.** *The Public Health Act* is amended by adding thereto the following Schedule:

### SCHEDULE C

Pharmacopoea Internationalis  
 The British Pharmacopoeia  
 The Pharmacopoeia of the United States of America  
 Codex Francais  
 The Canadian Formulary  
 The British Pharmaceutical Codex  
 The National Formulary

- Commencement      **7.**—(1) This Act, except section 4, comes into force on the day it receives Royal Assent.
- Idem      (2) Section 4 comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title      **8.** This Act may be cited as *The Public Health Amendment Act, 1965*.



## CHAPTER 107

## An Act to amend The Public Hospitals Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Public Hospitals Act* is amended by striking out "Hospital Services Commission of Ontario" in the first and second lines and inserting in lieu thereof "Ontario Hospital Services Commission", so that the clause shall read as follows:

R.S.O. 1960,  
c. 322, s. 1,  
cl. *c*,  
amended

(*c*) "Commission" means the Ontario Hospital Services Commission.

2. *The Public Hospitals Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 322,  
amended

17*a*. No person shall be employed as an interne in a hospital unless he is registered under *The Medical Act*.

Interne  
R.S.O. 1960,  
c. 234

3. Subsections 1 and 2 of section 21 of *The Public Hospitals Act* are repealed and the following substituted therefor:

R.S.O. 1960,  
c. 322, s. 21,  
subss. 1, 2,  
re-enacted

- (1) Not later than ninety days after the admission to a hospital of a patient who is or is represented to be an indigent person or the dependant of an indigent person, the superintendent shall, by registered mail, notify the clerk of the municipality in which such indigent person is or is represented to be a resident of such admission, giving such particulars as are ascertainable to enable the clerk to identify the indigent person.
- (2) Where a patient becomes an indigent person or is the dependant of a person who becomes an indigent person after admission to a hospital, the superintendent shall notify the clerk of the municipality

Notice to  
municipality  
of admission  
of indigent  
to hospital

Indigency  
after  
admission

in accordance with subsection 1 not later than ninety days after the indigency becomes known to the superintendent.

R.S.O. 1960,  
c. 322, s. 35,  
subs. 1,  
amended

4. Subsection 1 of section 35 of *The Public Hospitals Act* is amended by adding thereto the following clause:

- (ka) requiring a written agreement between each Group A hospital and the university with which the hospital is affiliated for the purpose of providing instruction in the hospital to medical and dental students of the university, and prescribing provisions that shall be included in any such agreement.

R.S.O. 1960,  
c. 322,  
amended

5. *The Public Hospitals Act* is amended by adding thereto the following section:

Notice to  
College of  
disciplinary  
action  
against  
physician

36. Where the privileges of any member of the medical staff are restricted or cancelled for any reason by specific resolution of the board of governors or where any disciplinary action is taken by a board or a medical advisory committee against a member of the medical staff because of incompetence, negligence or any form of professional misconduct, the administrator shall forward a report of the action and the reason for it to the College of Physicians and Surgeons of Ontario.

Commence-  
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Public Hospitals Amendment Act, 1965*.

## CHAPTER 108

## An Act to amend The Public Lands Act

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Public Lands Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 324, s. 37,  
re-enacted

37.—(1) In this section, “Crown grant” means a grant of a freehold or leasehold interest in unpatented public lands or of an easement in or over unpatented public lands made under this or any other Act. Interpre-  
tation

(2) Where a Crown grant is made of public lands situate in a county, city or separated town to which *The Land Titles Act* applies or in a provisional judicial district, the Minister shall cause to be forwarded to the local master of titles the instrument by which the Crown grant is made, together with a copy thereof. Crown  
grants  
registered in  
land titles  
office  
R.S.O. 1960,  
c. 204

(3) Where a Crown grant is made of public lands other than lands to which subsection 2 applies, the Minister shall cause to be forwarded to the registrar of the registry division in which the lands are situate the instrument by which the Crown grant is made, together with a copy thereof. Crown  
grants  
registered in  
registry  
office

(4) Upon receipt of an instrument and the copy thereof under subsection 2 or 3, the local master of titles or the registrar shall, without fee or other charge, register the instrument, note particulars of registration on the copy and forward the copy to the grantee at the address furnished by the Department. Registration

- 2.—(1) Section 69 of *The Public Lands Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 324, s. 69,  
amended

Release of  
access  
reservation

(1a) Where letters patent have issued for land that is in a municipality and contain a reservation of the right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons, and the Minister is of the opinion that the reservation no longer serves a useful purpose or that the release of the reservation is in the public interest, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part thereof from the reservation.

R.S.O. 1960,  
c. 324, s. 69,  
subs. 2,  
amended

(2) Subsection 2 of the said section 69 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsection 1 or 1a", so that the subsection shall read as follows:

Registration  
of orders

(2) Any order made under subsection 1 or 1a may be registered in the proper registry or land titles office.

Commence-  
ment

**3.**—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

(2) Section 1 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**4.** This Act may be cited as *The Public Lands Amendment Act, 1965*.

## CHAPTER 109

## An Act to amend The Public Schools Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 5 of *The Public Schools Act* is <sup>R.S.O. 1960, c. 330, s. 5, amended</sup> amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

(6) The board may charge a fee, as provided in sub-<sup>Kinder-  
garden fees  
R.S.O. 1960,  
c. 361</sup> section 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

2.—(1) Subsection 1 of section 6 of *The Public Schools Act*, <sup>R.S.O. 1960, c. 330, s. 6, subs. 1, repealed</sup> as amended by section 1 of *The Public Schools Amendment Act, 1960-61*, is repealed.

(2) Subsection 4 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the tenth and eleventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

(4) Subject to section 5, a child,

(a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and <sup>Admission of resident pupil to another school by reason of distance to school</sup>

(b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the inspector, <sup>R.S.O. 1960, c. 361</sup>

may



may be admitted to another public school whose inspector certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

R.S.O. 1960,  
c. 330, s. 6,  
subs. 5  
(1964,  
c. 95, s. 1),  
amended

(3) Subsection 5 of the said section 6, as re-enacted by section 1 of *The Public Schools Amendment Act, 1964*, is amended by striking out "not in excess of the gross cost per pupil per day in the preceding year of the board in the adjoining school section" in the seventeenth, eighteenth and nineteenth lines and inserting in lieu thereof "calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Resident  
pupil's  
right to  
attend more  
accessible  
school in  
adjoining  
school  
section

(5) Subject to section 5, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the inspector having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 330, s. 6,  
subs. 6,  
amended

(4) Subsection 6 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the sixth and seventh lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Admission  
of non-  
resident  
pupils

(6) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for

the privilege under subsection 3, 4 or 9, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. R.S.O. 1960, c. 361

(5) Subsection 8 of the said section 6 is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 6, subs. 8, re-enacted

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted, without the payment of a fee, to a school by the board that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward. Admission of ward of children's aid society

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a school by the board that is supported by the assessment of the residence in which the child resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that the child has been so placed for adoption. Where child placed for adoption

(6) Subsection 9 of the said section 6 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the eighth and ninth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 6, subs. 9, amended

(9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the public school inspector certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*. Idem R.S.O. 1960, c. 361

(7) Subsection 12 of the said section 6 is amended by striking out "a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 6, subs. 12, amended

Agreement  
between  
boards

- (12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge fees calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 330,  
amended

**3.** *The Public Schools Act* is amended by adding thereto the following section:

Agreement  
for pro-  
vision of  
additional  
accommoda-  
tion by  
board for  
pupils of  
another  
board

6a.—(1) Subject to the approval of the Minister, a board may enter into an agreement with another board providing,

(a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;

(b) that the cost of providing such additional accommodation shall be borne and paid by such other board; and

(c) notwithstanding subsection 1 of section 100a of *The Schools Administration Act*, for the calculation and payment of fees in respect of such pupils.

R.S.O. 1960,  
c. 361

Debentures  
where cost  
borne by  
board not  
providing  
accommoda-  
tion

- (2) Where under an agreement the board that does not provide the additional accommodation is required to bear and pay the cost thereof, for the purposes of issuing municipal debentures, the additional accommodation shall be deemed to be a permanent improvement of such board.

Term of  
agreement

- (3) Every such agreement shall remain in effect for at least the term of the debentures issued in respect thereof unless terminated by the mutual consent of the parties to the agreement.

R.S.O. 1960,  
c. 330, s. 12,  
amended

**4.** Section 12 of *The Public Schools Act* is amended by adding thereto the following subsection:

Section  
not to be  
included in  
township  
school area

- (3) No rural school section established under this section shall be included in a township school area.

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
subs. 2,  
re-enacted

**5.**—(1) Subsection 2 of section 13 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is repealed and the following substituted therefor:

- (2) The council of a county may direct the committee to investigate and report on the desirability of establishing or enlarging county school areas or of altering township school areas or on any other matters affecting public school education in the county. Duties of committee  
R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 6, re-enacted
- (2) Subsection 6 of the said section 13 is repealed and the following substituted therefor:
- (6) The council of a county may, by by-law passed before the 1st day of July in any year, establish, as recommended by the consultative committee, the municipalities and parts thereof that form a high school district as a county school area for public school purposes and may include therein any area adjacent thereto within the county. Establishment of county school areas
- (6a) Subject to subsections 6 and 7, the council of a county may, by by-law passed before the 1st day of July in any year, alter a county school area as recommended by the consultative committee. Enlargement of county school areas
- (3) Subsection 8 of the said section 13 is amended by striking out "or 7" in the first line and inserting in lieu thereof "6a or 7", so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subs. 8, amended
- (8) A by-law passed under subsection 6, 6a or 7 comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister. Effective date of by-laws
- (4) Subsections 11 and 12 of the said section 13 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 13 (1964, c. 95, s. 3), subss. 11, 12, re-enacted
- (11) There shall be a board of public school trustees for every county school area, which shall consist of the number of elected trustees provided for boards of education under subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, provided that, Board, composition  
R.S.O. 1960, c. 362
- (a) where,
- (i) the number of trustees is fewer than five or more than nine, or
  - (ii) a municipality or part thereof in a county school area is entitled under subsection 1 or 2 of such section 55 to one-half or fewer of the trustees of the county school area and the assessment for public school purposes in the municipality



municipality or part as adjusted by the application of the latest equalization factor provided by the Department of Municipal Affairs is more than three-quarters of the total assessment for public school purposes in the county school area as adjusted by the application of the latest equalization factors provided by such Department,

the council of a county may, as recommended by the consultative committee, request the Minister to determine the number of trustees to be elected to the board, the municipality or municipalities to be represented by each trustee, and their terms of office;

- (b) where a part of a township is included in a county school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of such section 55.

Election of  
trustees

- (12) Such trustees shall be elected in the manner provided for the election of members of a board of education under section 56 of *The Secondary Schools and Boards of Education Act*, which section, except subsection 2, applies *mutatis mutandis*.

Voters  
list

- (12a) Where a county school area includes part of a township that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*, the clerk of the township that includes such part shall furnish to the clerk of the township in which the county school area is formed, or, where the county school area includes all of two or more townships, to the clerk of the township having the greatest equalized assessment, a certified copy of the list of voters qualified to vote on school matters in such part of the township.

Parts not  
rated for  
trustee,  
attached to  
township  
for voting  
purposes

- (12b) Each part of a township that is included in a county school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached, by resolu-

tion,



tion, by the public school consultative committee of the county in which the county school area or the part of the county school area having the greatest assessment is located, to a township all or part of which is in the county school area.

(5) Subsection 13 of the said section 13 is amended by adding at the end thereof "or, if designated in the by-law establishing or altering the county school area and approved by the Minister, 'The Public School Board of (*insert names of municipalities chiefly concerned*)' ", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
subs. 13,  
amended

(13) A board of a county school area is a corporation by the name of "The Public School Board of (*insert name of county*) County School Area Number (*insert number in order of formation*)" or, if designated in the by-law establishing or altering the county school area and approved by the Minister, "The Public School Board of (*insert names of municipalities chiefly concerned*)".

Name of  
board

(6) The said section 13 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 13  
(1964,  
c. 95, s. 3),  
amended

(16) In the year in which a county school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

Apportion-  
ment of  
annual  
requisition

(a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the county school area according to the last revised assessment rolls; and

(b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the county school area and the treasurers shall be the arbitrators to determine the matter.

(7) Any reference to treasurer or treasurers in subsection 16 of section 13 of *The Public Schools Act*, as enacted by subsection 6, shall, until the 1st day of January, 1966, be deemed to be a reference to assessor or assessors, as the case may be.

Apportion-  
ment by  
assessors  
until  
Jan. 1,  
1966

6. Section 14 of *The Public Schools Act*, as re-enacted by section 3 of *The Public Schools Amendment Act, 1964*, is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 14  
(1964,  
c. 95, s. 3),  
amended

Apportionment of annual requisition

- (17) In the year in which a district school area is formed or altered and thereafter, the annual requisition of the board for school purposes shall be apportioned in accordance with section 55, which section applies *mutatis mutandis*, except that,

- (a) the meeting of treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the district school area according to the last revised assessment rolls; and
- (b) if the treasurers do not reach a decision on or before the 1st day of December, the inspector of the district school area and the treasurers shall be the arbitrators to determine the matter.

R.S.O. 1960, c. 330, s. 18 (1961-62, c. 120, s. 2), subs. 4, cls. a-c, re-enacted

7. Clauses *a*, *b* and *c* of subsection 4 of section 18 of *The Public Schools Act*, as re-enacted by section 2 of *The Public Schools Amendment Act, 1961-62* and amended by section 4 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

(a) who is,

- (i) a member of any other elementary or secondary school board, or
- (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
- (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

- (b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;
- (c) who is the husband or wife of a trustee of the same board.

R.S.O. 1960, c. 330, s. 21, subs. 11 (1964, c. 95, s. 5), amended

8. Subsection 11 of section 21 of *The Public Schools Act*, as enacted by section 5 of *The Public Schools Amendment Act, 1964*, is amended by inserting after "shall" in the fifth line "give a casting vote or", so that the subsection shall read as follows:

- (11) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. When tie vote

**9.**—(1) Subsection 2 of section 29 of *The Public Schools Act* is amended by striking out “on the assessment roll” in the second and third lines and inserting in lieu thereof “by the municipal census”, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 330, s. 29, subs. 2, amended

- (2) The number of trustees on the board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held as follows, where the population was, Number of trustees on board

(2) Subsection 3 of the said section 29, as re-enacted by section 3 of *The Public Schools Amendment Act, 1960-61*, is amended by striking out “assessment roll” in the first line and inserting in lieu thereof “census”, so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 29, subs. 3 (1960-61, c. 82, s. 3), amended

- (3) Where it becomes evident from the census of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized. Change in number of trustees

**10.**—(1) Subsection 2 of section 37 of *The Public Schools Act* is amended by striking out “and if the judge determines that no person was duly elected he shall order a new election to be held” in the sixth, seventh and eighth lines and inserting in lieu thereof “and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board”, so that the subsection shall read as follows: R.S.O. 1960, c. 330, s. 37, subs. 2, amended

- (2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and, if the judge determines that any other person was duly elected, he may order such person to be admitted, and, where a recount results in two or more candidates having an equal number of

votes, the judge shall certify the result to the secretary of the board, and he shall in all cases report his decision to the secretary of the board.

R.S.O. 1960,  
c. 330, s. 37,  
amended

(2) The said section 37 is amended by adding thereto the following subsections:

Where  
recount  
necessary  
because of  
tie vote

- (4) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk of the municipality shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate, and shall forthwith notify the judge of the county or district court of the result, and such notification shall be deemed to be a complaint under subsection 1.

When  
secretary  
to give  
casting  
vote

- (5) Upon the result of a recount being certified to him showing that two or more candidates have an equal number of votes, the secretary shall forthwith after receiving the certificate give a casting vote for one or more of the candidates or provide for the drawing of lots to decide the election.

Where  
sufficient  
number of  
candidates  
not declared  
elected to  
organize  
newly-  
created  
board

- (6) Where a secretary has not been appointed because a new board has been created but cannot be organized because of an equality of votes of two or more candidates, the clerk of the municipality or, where there is more than one municipality in the school section, the clerk of the municipality having the greatest assessment shall be deemed to be the secretary for the purposes of subsections 2 and 5.

R.S.O. 1960,  
c. 330, s. 40  
(1964,  
c. 95, s. 6),  
subss. 4-7,  
re-enacted

**11.**—(1) Subsections 4, 5, 6 and 7 of section 40 of *The Public Schools Act*, as re-enacted by section 6 of *The Public Schools Amendment Act, 1964*, are repealed and the following substituted therefor:

Alteration  
of areas

- (4) The council of a county may, by a by-law passed before the 1st day of July in any year,
- (a) add all or any part of a township school area to another township school area; or
- (b) add all of an urban school section, except a city or separated town, or all or any part of a union school section, except a city or separated town, to a township school area,

as recommended by the consultative committee, provided that the number of resident public school pupils of any board is not reduced to fewer than 120.



(5) Where the average daily attendance of pupils of the public schools under the jurisdiction of a board is less than 100 in any year, the inspector shall notify the clerk of the county and the secretary of the board affected, and the council of the county shall, by by-law passed before the 1st day of July following notice from the inspector, attach the school section in which the board has jurisdiction to an adjoining school section.

Where attendance is less than 100 in any year

(6) Where the council of a county enlarges a township school area to include all of two or more townships, notwithstanding subsection 4 of section 40c, the by-law may designate the name of the board of the township school area.

Name, where two or more whole townships

(6a) In the territorial districts, the council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,

Alteration of areas in territorial districts

(a) add all or part of a school section in territory without municipal organization to the township school area; or

(b) add all of an urban school section, except a city, or all or any part of a union school section, except a city, to the township school area; or

(c) detach any portion of the township school area and attach such portion to another township school area or to a union school section,

if approval thereto has been given by a resolution passed before the 1st day of September of that year, in the case of a school section in territory without municipal organization, by the board of the school section and, in other cases, by the councils of the other municipalities concerned.

(7) A by-law passed under subsection 4, 5 or 6a comes into force on the 1st day of January after it is approved by the Minister, except that, for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Effective date of by-law

(2) Subsection 11 of the said section 40 is repealed and the following substituted therefor:

R.S.O. 1960, c. 330, s. 40 (1964, c. 95, s. 6), subs. 11, re-enacted

(11) Where,

Newly-incorporated municipalities

(a) a part of a township school area is incorporated as a municipality on or after the 1st

day



day of January, 1965, the municipality so incorporated shall continue to form part of the township school area; or

- (b) parts of two or more township school areas are incorporated as a municipality on or after the 1st day of January, 1965, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

R.S.O. 1960,  
c. 330, s. 40<sup>a</sup>  
(1964,  
c. 95, s. 6),  
subs. 4,  
amended

**12.** Subsection 4 of section 40<sup>a</sup> of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by adding "and" at the end of clause *b*, by striking out "and" at the end of clause *c* and by striking out clause *d*.

R.S.O. 1960,  
c. 330, s. 40<sup>b</sup>  
(1964,  
c. 95, s. 6),  
subs. 1,  
amended

**13.**—(1) Subsection 1 of section 40<sup>b</sup> of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "subsections 1 to 3" in the fourth line and inserting in lieu thereof "subsection 1 or 2".

R.S.O. 1960,  
c. 330, s. 40<sup>b</sup>  
(1964,  
c. 95, s. 6),  
subs. 1,  
cl. *c*,  
re-enacted

(2) Clause *c* of subsection 1 of the said section 40<sup>b</sup> is repealed and the following substituted therefor:

- (*c*) where a part of a township is included in a township school area and the assessment for public school purposes in such part is less than 10 per cent of the total assessment for public school purposes in the township, such part shall not be deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act*.

R.S.O. 1960,  
c. 362

R.S.O. 1960,  
c. 330, s. 40<sup>c</sup>  
(1964,  
c. 95, s. 6),  
subs. 4,  
amended

**14.**—(1) Subsection 4 of section 40<sup>c</sup> of *The Public Schools Act*, as enacted by section 6 of *The Public Schools Amendment Act, 1964*, is amended by striking out "(insert name of municipality)" in the third and fourth lines and inserting in lieu thereof "(insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)", so that the subsection shall read as follows:

Incorporation

- (4) Every board of trustees of a township school area is a corporation by the name of "The Public School Board of the Township School Area of (insert name of municipality or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister)".

(2) The said section 40c is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 40c  
(1964,  
c. 95, s. 6),  
amended

- (10) Each part of a township that is included in a township school area but that is not deemed a municipality for the purposes of subsection 1 or 2 of section 55 of *The Secondary Schools and Boards of Education Act* shall, for the purposes of the election of trustees and of voting on school matters, be attached to the township in which the township school area is formed or, where the township school area includes all of two or more townships, it shall be attached for such purposes, by resolution, by the public school consultative committee of the county in which the township school area or the part of the township school area having the greatest assessment is located, to a township all or part of which is in the township school area.

Parts not  
rated for  
trustee,  
attached to  
township for  
voting  
purposes  
R.S.O. 1960,  
c. 362

**15.**—(1) Subsection 1 of section 43 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 330, s. 43,  
subs. 1,  
re-enacted

- (1) Where a township school area consists of more than one municipality or parts thereof, section 55 applies *mutatis mutandis*, except that the meeting of the treasurers shall be called by the treasurer of the municipality having the greatest assessment for public school purposes within the township school area according to the last revised assessment rolls.

Treasurers  
to determine  
proportion

(2) Subsection 2 of the said section 43 is amended by striking out "assessors" in the first line and in the second line and inserting in lieu thereof in each instance "treasurers", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 330, s. 43,  
subs. 2,  
amended

- (2) Where the treasurers disagree, the inspector of the township school area and the treasurers shall be arbitrators to determine the matter.

Arbitration  
where  
treasurers  
disagree

**16.**—(1) Section 45 of *The Public Schools Act*, as amended by section 12 of *The Public Schools Amendment Act, 1961-62*, section 7 of *The Public Schools Amendment Act, 1962-63* and section 7 of *The Public Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 330, s. 45,  
amended

- (18) Where in any year a town or village in a territorial district had in the preceding year a population of 1,000 or more and the average daily attendance of the public school pupils residing in the town or village was 100 or more in the preceding year, a union school section consisting of the town or village and all or part of one or more organized townships may be formed or altered under this section.

Formation  
in territorial  
district

R.S.O. 1960,  
c. 330, s. 45,  
subs. 19,  
cl. a,  
repealed

(2) Clause *a* of subsection 19 of the said section 45, as amended by section 7 of *The Public Schools Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,  
c. 330, s. 45,  
subs. 19,  
cl. b,  
amended

(3) Clause *b* of subsection 19 of the said section 45 is amended by striking out "such" in the second line, so that the clause shall read as follows:

petition

(b) for the purpose of the formation, alteration or dissolution of a union school section, the petition of the ratepayers for the part of the union school section not included in an urban municipality or organized township shall be presented to the inspector.

R.S.O. 1960,  
c. 330, s. 55,  
subss. 1  
(1960-61,  
c. 82, s. 5,  
subs. 1), 2, 3,  
re-enacted;  
subs. 4,  
repealed

**17.**—(1) Subsection 1, as re-enacted by subsection 1 of section 5 of *The Public Schools Amendment Act, 1960-61*, and subsections 2, 3 and 4 of section 55 of *The Public Schools Act* are repealed and the following substituted therefor:

Maintenance  
of union  
school  
section,  
apportion-  
ment  
of costs

(1) Except in the case of union school sections established under section 46,

(a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or

(b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least 10,

and in any case,

(c) in each year that is divisible evenly by 5,

the treasurers of the municipalities in which such a union school section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities

in which the section lies, provided that, upon the recommendation of at least one-half of the treasurers and with the approval of the Minister, an apportionment may be made in any year.

- (2) Where the assessment of a union school section is materially altered by reason of any land therein becoming exempt from taxation for public school purposes, the treasurers at their next meeting shall revise the apportionment. Assessment altered by exemptions
- (3) The meeting of the treasurers shall be called by the treasurer of the municipality in which the school-house is situate. Meeting of treasurers
- (2) Subsections 6 and 7 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 6, 7, re-enacted
  - (6) If the treasurers do not reach a decision on or before the 1st day of December, the inspector, in whose inspectorate the school of the union school section is situate, and the treasurers shall be arbitrators and shall determine the matter and report to the secretary of the board and to the clerk of each municipality on or before the 31st day of December. Arbitration where treasurers do not reach a decision
  - (7) Where the union school section is composed of parts of two adjoining counties and the treasurers do not reach a decision on or before the 1st day of December, the inspector of the township in which the school of the union school section is situate shall act with the treasurers as arbitrators. Where union school section in two counties
- (3) Subsections 9 and 10 of the said section 55 are repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 55, subss. 9, 10, re-enacted
  - (9) The treasurers or, in the case of an arbitration, the arbitrators, on the request in writing of the inspector or of five ratepayers, may, within one month after the report of the determination or award to the secretary of the board, correct any omission or error in the terms in which the determination or award is expressed. Reconsideration of award
  - (10) The cost of proceedings under this section, including the fees of treasurers and arbitrators, shall be paid by the municipalities in accordance with the apportionment under subsection 1. Costs

**18.**—(1) Subsection 3 of section 56 of *The Public Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 330, s. 56, subs. 3, re-enacted



Liability for  
debenture  
debt where  
land trans-  
ferred from  
one section  
to another

- (3) On the petition of the head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, the inspector, if he is of the opinion that it is more convenient for the child to attend the school in the other section, may alter the boundaries of the sections so as to transfer such land from one section to the other, and, where there is a debenture debt for public school purposes in the section from which the land is transferred, the inspector may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the inspector.

R.S.O. 1960,  
c. 330, s. 56,  
subs. 5,  
re-enacted

- (2) Subsection 5 of the said section 56 is repealed and the following substituted therefor:

Election  
of school  
trustees

- (5) After the formation of a school section, the inspector shall cause notices to be posted, for at least six clear days in not fewer than three public places in the section, appointing a time and place for the first meeting of property owners and tenants, who are not separate school supporters, for the election of three trustees for the section, and the inspector may take such additional action to publicize the meeting as he deems expedient.

R.S.O. 1960,  
c. 330, s. 66,  
repealed

- 19.** Section 66 of *The Public Schools Act* is repealed.

R.S.O. 1960,  
c. 330, s. 74,  
subs. 1,  
cl. b,  
re-enacted

- 20.** Clause *b* of subsection 1 of section 74 of *The Public Schools Act* is repealed and the following substituted therefor:

submit  
estimates

- (b) prepare and submit to the council of each municipality, all or part of which is included in the school section in which the board has jurisdiction, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,
- (i) shall set forth the estimated revenues and expenditures of the board,
  - (ii) shall make due allowance for a surplus of any previous year that will be available during the current year,
  - (iii) shall provide for a deficit of any previous year,

(iv)



- (iv) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the taxable property of public school supporters in the school section according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements, <sup>R.S.O. 1960, c. 361</sup>
- (v) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or is more than 20 per cent of such expenditures, no further sum shall be provided.

**21.**—(1) This Act, except sections 1, 2, 6, 15, 17, 19 and 20, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Sections 1, 2, 6, 15, 17, 19 and 20 come into force on the 1st day of January, 1966. <sup>Idem</sup>

**22.** This Act may be cited as *The Public Schools Amendment Act, 1965*. <sup>Short title</sup>



## CHAPTER 110

**An Act to amend  
The Public Service Act, 1961-62**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 121, s. 3,  
re-enacted
3. The Commission is responsible to the Minister for the administration of this Act, and the staff of the Commission constitutes the Department of Civil Service. Administra-  
tion
2. *The Public Service Act, 1961-62* is amended by adding thereto the following section: 1961-62,  
c. 121,  
amended
- 4a. The Commission may exclude any position in the classified service from that service for such period as it determines. Exclusion  
of posi-  
tions from  
classified  
service
3. Section 16 of *The Public Service Act, 1961-62* is repealed and the following substituted therefor: 1961-62,  
c. 121, s. 16,  
re-enacted
- 16.—(1) With the consent in writing of his minister, a deputy minister may delegate in writing any of his powers under this Act to any public servant or any class thereof in his department. Delegation  
of powers,  
deputy  
minister
- (2) With the consent of his minister, a deputy minister may delegate any of his duties under this Act to any public servant or any class thereof in his department. Delegation  
of duties,  
deputy  
minister
4. Section 17 of *The Public Service Act, 1961-62* is amended by adding at the end thereof "and to the evaluation and classification of positions in the classified service that are designated by the Commission", so that the section shall read as follows: 1961-62,  
c. 121, s. 17,  
amended

Delegation  
of powers  
and  
functions,  
Commission

17. The Commission may authorize a deputy minister to exercise and perform any of the powers or functions of the Commission in relation to the recruitment of qualified persons for the civil service and to the evaluation and classification of positions in the classified service that are designated by the Commission.

1961-62,  
c. 121, s. 20,  
subs. 1,  
amended

- 5.**—(1) Subsection 1 of section 20 of *The Public Service Act, 1961-62* is amended by adding thereto the following clause:

- (fa) providing for the establishment of plans for group life insurance, medical-surgical insurance or long-term income protection insurance.

1961-62,  
c. 121, s. 20,  
subs. 1,  
cl. r  
(1962-63,  
c. 118, s. 7,  
subs. 3),  
amended

- (2) Clause *r* of subsection 1 of the said section 20, as re-enacted by subsection 3 of section 7 of *The Public Service Amendment Act, 1962-63*, is amended by inserting after "Council" in the second line "the Ontario Provincial Police Negotiating Committee", so that the clause shall read as follows:

- (r) prescribing the duties and procedures of the Joint Council, the Ontario Provincial Police Negotiating Committee and the Civil Service Arbitration Board and excluding matters from the agenda of the Joint Council.

Commence-  
ment

- 6.** This Act comes into force on the day it receives Royal Assent.

Short title

- 7.** This Act may be cited as *The Public Service Amendment Act, 1965*.

## CHAPTER 111

## An Act to amend The Public Service Superannuation Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *d* of section 1 of *The Public Service Superannuation Act*, as amended by subsection 2 of section 1 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 332, s. 1,  
cl. *d*,  
re-enacted

(*d*) “contributor” in Part I means a civil servant or a person in a class of persons to whom that Part is made applicable, and includes the Provincial Auditor, the Assistant Provincial Auditor and the members of the staff of the Provincial Auditor.

(2) Clause *f* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 332, s. 1,  
cl. *f*,  
re-enacted

(*f*) “Fund” means the Public Service Superannuation Fund.

**2.** Section 4 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 332, s. 4,  
amended

(4*a*) Where a payment into the Fund is made pursuant to *The Pension Benefits Act, 1962-63* with respect to the unfunded liability of the Fund, interest shall be credited to the Fund out of the Consolidated Revenue Fund at the rate of 5 per cent per annum from the date of such payment in any year to the end of the then current fiscal year.

Idem  
1962-63,  
c. 103

**3.**—(1) Subsection 1 of section 26 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 332, s. 26,  
subs. 1,  
re-enacted

(1) Where a person who is a contributor to the Teachers' Superannuation Fund under *The Teachers' Superannuation Act*,

Teachers  
becoming  
civil  
servants  
R.S.O. 1960,  
c. 392

(*a*)



- (a) becomes a civil servant engaged as a teacher or as an inspector or in a supervisory capacity by the Department of Education; and
- (b) within sixty days from the date of his appointment, makes a written request to the Teachers' Superannuation Commission and to the Board,

an amount equal to his contributions and credits in the Teachers' Superannuation Fund, with accumulated interest, shall be transferred to the Fund from the Teachers' Superannuation Fund, and, where he does not make such request, this Part does not apply to him.

R.S.O. 1960,  
c. 332, s. 26,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 26 is amended by striking out "after the 1st day of July, 1953" in the third line.

R.S.O. 1960,  
c. 332, s. 26,  
subs. 3,  
amended

- (3) Subsection 3 of the said section 26, as amended by section 11 of *The Public Service Superannuation Amendment Act, 1960-61*, is further amended by striking out "interest at the rate of  $4\frac{3}{4}$  per cent per annum compounded annually" in the fourth and fifth lines and in the amendment of 1960-61 and inserting in lieu thereof "accumulated interest", so that the subsection shall read as follows:

Contrib-  
utors  
becoming  
teachers  
R.S.O. 1960,  
c. 392

- (3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with accumulated interest, shall be transferred to the Teachers' Superannuation Fund.

R.S.O. 1960,  
c. 332,  
Part II  
(ss. 29-33),  
repealed

4. Part II of *The Public Service Superannuation Act*, as amended by sections 14 and 15 of *The Public Service Superannuation Amendment Act, 1960-61* and section 12 of *The Public Service Superannuation Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 332, s. 34,  
re-enacted

5. Section 34 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Custodian  
of Fund

34. The Treasurer is custodian of the Fund.

R.S.O. 1960,  
c. 332, s. 35,  
re-enacted

6. Section 35 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Audit

35. The Fund shall be audited by the Provincial Auditor, and he shall make an annual report in respect of the preceding fiscal year to the Lieutenant Governor in

Council,

Council, and the report shall be laid before the Assembly if it is in session or, if not, at the next ensuing session.

7. Section 37 of *The Public Service Superannuation Act* R.S.O. 1960, c. 332, s. 37, re-enacted is repealed and the following substituted therefor:

37. The interest of any person in the Fund or in any allowance, annuity, refund or other sum payable out of the Fund is not subject to garnishment, attachment, seizure or other process of law and is not assignable. No attachment, etc.

8. The amount to the credit of every person in the Public Service Retirement Fund shall be transferred to his credit in the Public Service Superannuation Fund as of the 1st day of April, 1965, and he is entitled to credit in the latter fund for a period equal to the period in respect of which he contributed to the former fund. Transfer to Public Service Superannuation Fund

9. This Act shall be deemed to have come into force on the 1st day of April, 1965. Commencement

10. This Act may be cited as *The Public Service Superannuation Amendment Act, 1965*. Short title



## CHAPTER 112

**An Act to amend  
The Public Service Works on Highways Act**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 1 of *The Public Service Works on Highways Act* R.S.O. 1960,  
c. 333, s. 1,  
amended is amended by adding thereto the following clause:

(aa) "cost of labour" means,

- (i) the actual wages paid to all workmen up to and including the foremen for their time actually spent on the work and in travelling to and from the work, and the cost of food, lodging and transportation for such workmen where necessary for the proper carrying out of the work,
- (ii) the cost to the operating corporation of contributions related to such wages in respect of workmen's compensation, vacation pay, unemployment insurance, pension or insurance benefits and other similar benefits,
- (iii) the cost of using mechanical labour-saving equipment in the work,
- (iv) necessary transportation charges for equipment used in the work, and
- (v) the cost of explosives.

**2.** Section 2 of *The Public Service Works on Highways Act* R.S.O. 1960,  
c. 333, s. 2,  
re-enacted is repealed and the following substituted therefor:

- 2.—(1) Where in the course of constructing, reconstructing, changing, altering or improving a highway it becomes necessary to take up, remove or change the Notice to  
operating  
corporation  
to take up  
works

location

location of appliances or works placed on or under the highway by the operating corporation, the road authority may by notice in writing served personally or by registered mail require the operating corporation, without prejudice to their respective rights under section 3, so to do on or before the date specified in the notice.

Apportionment of costs of taking up

- (2) The road authority and the operating corporation may agree upon the apportionment of the cost of labour employed in such taking up, removal or change, but, subject to section 3, in default of agreement such cost shall be apportioned equally between the road authority and the operating corporation, and all other costs of the work shall be borne by the operating corporation.

Minimum time interval

- (3) The date specified in a notice under subsection 1 shall be as agreed upon by the road authority and the operating corporation, but in default of agreement shall be not less than sixty days after the date of the personal service or mailing of the notice.

Additional time

- (4) An operating corporation may, upon such notice as the judge of the county or district court of the county or district in which the work or the greater part of it is situate directs, apply to the judge for an order altering to a later date the date specified in the notice given under subsection 1, and, if the judge finds that the physical or technical difficulties in complying with the notice require additional time, he may make such order as he deems appropriate.

Compensation

- (5) Where a road authority incurs a loss or expense by reason of an operating corporation neglecting to take up, remove or change the location of appliances or works by the date specified in a notice given under subsection 1 or such date as altered by a judge under subsection 4, the operating corporation shall make due compensation to the road authority for such loss or expense, and a claim for compensation, if not agreed upon by the operating corporation and the road authority, shall be determined by the Ontario Municipal Board.

Commencement

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Public Service Works on Highways Amendment Act, 1965*.



## CHAPTER 113

## An Act to amend The Public Utilities Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 12 of *The Public Utilities Act* is amended by R.S.O. 1960, c. 335, s. 12, amended striking out "\$20" in the twelfth line and inserting in lieu thereof "\$300", so that the section shall read as follows:

12. The corporation may pass by-laws for regulating the Power to regulate supply and to prohibit wrongful use of water time, manner, extent and nature of the supply by the works, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate, in order to secure to the inhabitants of the municipality a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the corporation with regard to the water so supplied, and for providing that for a contravention of any such by-law the offender is guilty of an offence and on summary conviction is liable to a fine of not more than \$300 or may be imprisoned without the option of a fine for a term of not more than one month.

**2.** Section 13 of *The Public Utilities Act* is amended by R.S.O. 1960, c. 335, s. 13, amended striking out "\$20" in the thirty-seventh line and inserting in lieu thereof "\$300".

**3.** Section 53 of *The Public Utilities Act* is amended by R.S.O. 1960, c. 335, s. 53, amended striking out "of not less than \$4 and not more than \$20" in the eighth and ninth lines and inserting in lieu thereof "of not more than \$300", so that the section shall read as follows:

53. Every person who wilfully or maliciously damages Penalty for wilful damage or causes or knowingly suffers to be damaged any meter, lamp, lustre, service pipe, conduit, wire, rod

or fitting belonging to the corporation, or wilfully impairs or knowingly suffers the same to be altered or impaired, so that the meter indicates less than the actual amount of the public utility that passes through it, is guilty of an offence and on summary conviction is liable to a fine, to the use of the corporation, of not more than \$300 and for the expenses of repairing or replacing the meter, lamp, lustre, service pipe, conduit, wire, rod or fitting and double the value of the surplus public utility so consumed, all of which is recoverable under *The Summary Convictions Act*.

R.S.O. 1960,  
c. 387

R.S.O. 1960,  
c. 335, s. 54,  
amended

4. Section 54 of *The Public Utilities Act* is amended by striking out "of not less than \$4 and not more than \$20" in the seventh line and inserting in lieu thereof "of not more than \$300", so that the section shall read as follows:

Penalty  
for injuring  
public  
utility  
works

54. Every person who wilfully extinguishes any public lamp or light, or wilfully removes, destroys, damages, fraudulently alters or in any way injures any pipe, conduit, wire, rod, pedestal, post, plug, lamp or other apparatus or thing belonging to the corporation is guilty of an offence and on summary conviction is liable to a fine, to the use of the corporation, of not more than \$300, and is also liable for all damages occasioned thereby, which are recoverable under *The Summary Convictions Act*.

R.S.O. 1960,  
c. 387

Commence-  
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Public Utilities Amendment Act, 1965*.

## CHAPTER 114

## An Act to amend The Racing Commission Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Racing Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 342, s. 4, re-enacted

4. The members of the Commission shall hold office Term of office for a term of not more than three years, but any person is eligible for re-appointment.

2. This Act comes into force on the day it receives Royal Commence-  
ment Assent.

3. This Act may be cited as *The Racing Commission* Short title *Amendment Act, 1965*.



## CHAPTER 115

## An Act to provide for the Establishment of Regional Detention Centres

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—**(1) The councils of any two or more adjoining counties <sup>Agreement for regional detention centre</sup> may enter into an agreement for the joint establishment, maintenance and operation of a regional detention centre, and the agreement may include any matter for such purpose, including, without restricting the generality of the foregoing,

- (a) the manner of approving the cost of construction and the method of apportioning the cost thereof;
- (b) the manner of approving the estimates of the cost of maintenance and operation and the method of apportioning the cost thereof; and
- (c) the manner in which each county participating in the agreement shall pay its portion of the costs referred to in clauses *a* and *b* and the times when and the manner in which such costs shall be paid.

(2) A city that maintains its own jail may be a party to an <sup>Where city has own jail</sup> agreement between two or more counties in the same manner as if the city were a county, and shall be deemed to be a county for the purposes of section 2.

(3) No agreement under subsection 1 shall take effect until <sup>Approval</sup> approved by the Minister of Reform Institutions.

**2.—**(1) Where an agreement is approved, a regional detention centre board shall be established, consisting of three <sup>Regional detention centre board</sup> members appointed from among themselves by the council of the county having the largest population as determined by the last revised assessment rolls, and two members appointed from among themselves by the council of each of the other counties entering into the agreement.



Chairman

(2) The members of a regional detention centre board shall elect a chairman from among themselves.

Powers and duties of board

(3) Subject to an approved agreement, all the powers, duties and responsibilities in respect of the provision, maintenance and government of jails that are given by this or any other Act to a county that has entered into an approved agreement are vested in a regional detention centre board, including, without restricting the generality of the foregoing,

- (a) the preparation and submission to the county councils of estimates of the cost of providing, maintaining and operating the regional detention centre;
- (b) the receipt and disposition of grants paid in respect of the regional detention centre; and
- (c) the receipt and disposition of the amounts appropriated in accordance with the estimates.

Board not a body under R.S.O. 1960, c. 23, s. 53

(4) A regional detention centre board is not a body within the meaning of section 53 of *The Assessment Act*.

Establishment of regional detention centres

**3.** A regional detention centre board shall establish and maintain a regional detention centre for the counties that are parties to the agreement, and the regional detention centre shall be deemed to be the common jail of each such county, and the costs for which each county is liable under the agreement shall be deemed to be the costs of the county in respect of a county jail for the purposes of *The Municipal Act*.

R.S.O. 1960, c. 249

Provisions for jails apply to centres

**4.** Any Act relating to jails applies to regional detention centres established under this Act.

Name

**5.** The name given to a regional detention centre is subject to the approval of the Minister of Reform Institutions.

Commencement

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The Regional Detention Centres Act, 1965*.

## CHAPTER 116

## An Act to amend The Registry Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964*, is amended by striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause:

R.S.O. 1960,  
c. 348, s. 4,  
subs. 2  
(1964,  
c. 102, s. 3),  
amended

(*d*) annex to a registry division land that is not part of any registry division.

**2.**—(1) Section 20 of *The Registry Act*, as amended by section 7 of *The Registry Amendment Act, 1962-63* and section 6 of *The Registry Amendment Act, 1964*, is further amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 348, s. 20,  
amended

(5*c*) An order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 shall be recorded in the by-law index.

Order of  
O.M.B.,  
etc.

(2) Subsection 6 of the said section 20, as re-enacted by subsection 2 of section 7 of *The Registry Amendment Act, 1962-63*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 20,  
subs. 6  
(1962-63,  
c. 124, s. 7,  
subs. 2),  
re-enacted

(6) No entry in respect of an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or of a by-law shall be made in the general register index.

No entry  
of by-law,  
etc., in  
general  
register

**3.** Subsection 2 of section 29 of *The Registry Act*, as amended by section 7 of *The Registry Amendment Act, 1964*, is further amended by inserting after "than" in the amendment of 1964 "an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 348, s. 29,  
subs. 2,  
amended

## Entries

- (2) Every instrument, other than an order of the Ontario Municipal Board or other instrument registered under subsection 3 of section 75 or a will or power of attorney, that mentions such parcel or lot of land or other subdivision, the names of every party to the instrument and the nature of it, the registration number for each municipality in which land mentioned therein is situate, and the day, month and year of its registration, the consideration or mortgage money mentioned in it, and such a description of the land therein mentioned as will readily identify its location, shall, in addition to all entries required by law, be entered by the registrar in the abstract index in regular order under the proper heading of each separate parcel or lot of land.

R.S.O. 1960,  
c. 348, s. 53,  
subs. 4,  
amended

4. Subsection 4 of section 53 of *The Registry Act* is amended by adding "or" at the end of clause g and by adding thereto the following clauses:

(h) Ontario Housing Corporation; or

(i) Industrial Development Bank; or

(j) a corporation described in the assurance as incorporated under the laws of Ontario.

R.S.O. 1960,  
c. 348, s. 56,  
re-enacted

5. Section 56 of *The Registry Act* is repealed and the following substituted therefor:

## Crown grants

- 56.—(1) Letters patent granting land made by the Crown in right of Ontario on or after the day on which this section comes into force shall be registered as provided by section 37 of *The Public Lands Act*.

R.S.O. 1960,  
c. 324

## Idem

- (2) Letters patent granting land made by the Crown in right of Ontario before the day on which this section comes into force or by the Crown in right of Canada shall be registered by registering the grant or an exemplification thereof, or by producing the grant or an exemplification thereof, and registering a true copy thereof verified by affidavit and by the registrar or his deputy.

## Letters patent of incorporation, etc.

- 56a. Letters patent or supplementary letters patent incorporating or changing the name of a corporation or amalgamating two or more corporations shall be registered by registering a true copy thereof, verified by affidavit.

**6.** Subsection 3 of section 75 of *The Registry Act*, as re-enacted by section 21 of *The Registry Amendment Act, 1964*, is amended by adding at the end thereof "and shall be recorded in the by-law index under subsection 5 of section 20", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 348, s. 75,  
subs. 3  
(1964,  
c. 102, s. 21),  
amended

- (3) Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper registry office and shall be recorded in the by-law index under subsection 5 of section 20.

Orders,  
etc., re  
changes in  
municipal  
boundaries

**7.** Subsection 5 of section 94a of *The Registry Act*, as enacted by section 27 of *The Registry Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 348, s. 94a  
(1964,  
c. 102, s. 27),  
subs. 5,  
re-enacted

- (5) The judge may order that, upon the registration of the plan, the limits of the lots as shown on the plan shall be deemed to be the true limits of the parcels they represent.

Effect of  
registration  
of judge's  
plan

**8.**—(1) This Act, except sections 2, 3, 5 and 6, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Sections 2, 3 and 6 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Section 5 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Idem

**9.** This Act may be cited as *The Registry Amendment Act, 1965*.

Short title





## CHAPTER 117

**An Act to amend  
The Retail Sales Tax Act, 1960-61**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Subsection 6 of section 2 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after “use” in the third line “in Ontario”, so that the subsection shall read as follows: 1960-61,  
c. 91, s. 2,  
subs. 6,  
amended

(6) If a person sells any tangible personal property at a retail sale in Ontario to a person who alleges that he is not purchasing it for consumption or use in Ontario, he shall nevertheless require such person to pay the tax, but such payment shall be refunded by the Treasurer on receipt of satisfactory evidence that the tax was wrongfully paid. Refund  
of tax

(2) Subsection 9 of the said section 2 is amended by striking out “the vendor” in the second line and inserting in lieu thereof “a person or a vendor”, so that the subsection shall read as follows: 1960-61,  
c. 91, s. 2,  
subs. 9,  
amended

(9) Where tangible personal property is accepted at the time of sale by a person or a vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade. Tax on  
merchandise  
tendered in  
trade

**2.**—(1) Paragraphs 24 and 25 of section 5 of *The Retail Sales Tax Act, 1960-61* are repealed and the following substituted therefor: 1960-61,  
c. 91, s. 5,  
pars. 24, 25,  
re-enacted

24. aircraft, purchased for use in foreign or interprovincial trade by an airline that has regularly scheduled flights, and repairs to such aircraft;

25. street flushers, street sweepers and fire-fighting vehicles, as defined by the Treasurer, purchased at a price of more than \$1,000 per vehicle.

1960-61,  
c. 91, s. 5,  
par. 37  
(1961-62,  
c. 126, s. 3,  
subs. 4),  
amended

(2) Paragraph 37 of the said section 5, as re-enacted by subsection 4 of section 3 of *The Retail Sales Tax Amendment Act, 1961-62* and amended by subsection 3 of section 2 of *The Retail Sales Tax Amendment Act, 1962-63*, is further amended by adding at the end thereof "or by The Ontario Cancer Treatment and Research Foundation", so that the paragraph shall read as follows:

37. equipment, as defined by the Treasurer, purchased in good faith for use exclusively and not for resale by a hospital that is approved as a public hospital under *The Public Hospitals Act* or that is established under *The Community Psychiatric Hospitals Act, 1960-61* or by a sanatorium as defined in *The Sanatoria for Consumptives Act* or by The Ontario Cancer Treatment and Research Foundation.

R.S.O. 1960,  
c. 322  
1960-61,  
c. 9  
R.S.O. 1960,  
c. 359

(3) The said section 5, as amended by section 3 of *The Retail Sales Tax Amendment Act, 1961-62*, section 2 of *The Retail Sales Tax Amendment Act, 1962-63* and section 4 of *The Retail Sales Tax Amendment Act, 1964*, is further amended by adding thereto the following paragraph:

1960-61,  
c. 91, s. 5,  
amended

1965, c. 130

64. tobacco products taxed under *The Tobacco Tax Act, 1965*.

1960-61,  
c. 91, s. 33,  
subs. 1,  
amended

**3.** Subsection 1 of section 33 of *The Retail Sales Tax Act, 1960-61* is amended by inserting after "vendor" in the first line "or registered consumer", so that the subsection shall read as follows:

Offence

- (1) Every vendor or registered consumer who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day during which the default continues.

Commence-  
ment

**4.—(1)** This Act, except subsection 3 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 3 of section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**5.** This Act may be cited as *The Retail Sales Tax Amendment Act, 1965*.

## CHAPTER 118

# An Act to amend The Schools Administration Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 1 of *The Schools Administration Act* is amended by striking out "except in Parts VI and VII" in the first line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 361, s. 1,  
subs. 1,  
amended

(1) In this Act, "board" means a public school board, separate school board, continuation school board, high school board or board of education.

Interpre-  
tation,  
in this  
Act

**2.** Section 4 of *The Schools Administration Act* is amended by adding thereto the following paragraphs:

R.S.O. 1960,  
c. 361, s. 4,  
amended

12. Every day upon which the school is closed under *The Emergency Measures Act, 1962-63.*

1962-63.  
c. 41

13. A day approved by the inspector for a teachers' institute or conference.

**3.** Clause *g* of subsection 1 of section 22 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 22,  
subs. 1,  
cl. *g*,  
re-enacted

(*g*) to record the attendance of the pupils every school day in the register supplied by the Minister in accordance with the instructions contained therein or to record the attendance of the pupils in such other manner as is approved by the Minister.

record  
attendance

**4.**—(1) Paragraph 10 of section 35 of *The Schools Administration Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 35,  
par. 10,  
re-enacted

10. provide school supplies, other than the text-books that it is required to provide under paragraph 11 of section 34, for the use of pupils and collect from their

provision  
of supplies,  
etc.

parents or guardians a sum not exceeding 50 cents per pupil for each month of the school year to assist in defraying the cost thereof.

R.S.O. 1960,  
c. 361, s. 35,  
par. 19,  
amended

(2) Paragraph 19 of the said section 35 is amended by striking out "or" where it occurs the second time in the third line and inserting in lieu thereof "of", so that the paragraph shall read as follows:

student  
fees

19. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof.

R.S.O. 1960,  
c. 361, s. 35,  
par. 25,  
re-enacted

(3) Paragraph 25 of the said section 35 is repealed and the following substituted therefor:

guidance

25. appoint one or more teachers qualified in guidance according to the regulations to collect and distribute information regarding available occupations and employments, and to offer such counsel to the pupils as will enable them to plan intelligently for their educational and vocational advancement.

R.S.O. 1960,  
c. 361, s. 35,  
amended

(4) The said section 35, as amended by section 2 of *The Schools Administration Amendment Act, 1960-61*, section 2 of *The Schools Administration Amendment Act, 1962-63* and section 7 of *The Schools Administration Amendment Act, 1964*, is further amended by adding thereto the following paragraphs:

maternity  
leave

35. provide for maternity leave for a teacher, not exceeding two years for each pregnancy, and specify when such leave shall be taken;

insurance  
for pupils  
R.S.O. 1960,  
c. 190

36. provide, by contract with an insurer under *The Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians.

R.S.O. 1960,  
c. 361, s. 36  
(1964,  
c. 105, s. 8),  
subs. 2,  
amended

5.—(1) Subsection 2 of section 36 of *The Schools Administration Act*, as re-enacted by section 8 of *The Schools Administration Amendment Act, 1964*, is amended by striking out "one-half of" in the fourth and fifth lines, so that the subsection shall read as follows:

Trustees  
appointed  
for  
secondary  
school  
purposes  
only

(2) A board of education may pay to each trustee appointed to the board, who is not entitled to vote on a motion that affects public schools exclusively, an honorarium for each month not exceeding the amount

provided



provided in subsection 1 based on the average daily attendance of pupils in all secondary schools operated by the board in the preceding year.

(2) The said section 36 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 361, s. 36  
(1964,  
c. 105, s. 8),  
amended

(7) Subsections 4, 5 and 6 apply *mutatis mutandis* to members of an advisory vocational committee who are not trustees.

Advisory  
vocational  
committee  
members

**6.**—(1) Subsection 2a of section 37 of *The Schools Administration Act*, as enacted by section 9 of *The Schools Administration Amendment Act, 1964*, is amended by adding at the end thereof “to a school operated by another public school board or to a secondary school”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 361, s. 37,  
subs. 2a  
(1964,  
c. 105, s. 9),  
amended

(2a) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates, to a school operated by another public school board or to a secondary school.

Pupils in  
unorganized  
territory

(2) Subsection 2b of the said section 37, as enacted by section 9 of *The Schools Administration Amendment Act, 1964*, is amended by inserting after “zone” in the third line “or a school section” and by adding at the end thereof “to a school operated by another separate school board or to a secondary school”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 361, s. 37,  
subs. 2b  
(1964,  
c. 105, s. 9),  
amended

(2b) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone or a school section, to a school that the board operates, to a school operated by another separate school board or to a secondary school.

Idem

(3) Subsection 5 of the said section 37 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 361, s. 37,  
subs. 5,  
re-enacted

(5) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years.

Agreements  
not exceed-  
ing five  
years

(4) The said section 37 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 361, s. 37,  
amended

(6) Where a pupil resides in a school section or separate school zone in a territorial district but not in a high school district with his parent or guardian in a

Boarding of  
secondary  
school pupils  
residing in  
territorial  
district

residence



residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, an elementary school board may, in lieu of providing daily transportation to and from school under subsection 2, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding \$3 for each day of attendance as certified by the principal of the secondary school that the pupil attends.

R.S.O. 1960,  
c. 361, s. 33,  
subs. 1,  
amended

7.—(1) Subsection 1 of section 38 of *The Schools Administration Act* is amended by striking out “except clause b” in the eighth line, so that the subsection shall read as follows:

Pensions

(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 59 of section 377 of *The Municipal Act*, and the provisions of the said paragraph 59 apply *mutatis mutandis*.

R.S.C. 1952,  
c. 132

R.S.O. 1960,  
cc. 190, 249

R.S.O. 1960,  
c. 361, s. 38,  
subs. 3,  
repealed

(2) Subsection 3 of the said section 38 is repealed.

R.S.O. 1960,  
c. 361, s. 43,  
subs. 10,  
amended

8. Subsection 10 of section 43 of *The Schools Administration Act* is amended by adding at the commencement thereof “Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*”, so that the subsection shall read as follows:

Chairman  
voting;  
equality of  
votes

R.S.O. 1960,  
c. 362

(10) Subject to subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negated.

R.S.O. 1960,  
c. 361, s. 51,  
subs. 1,  
re-enacted

9. Subsection 1 of section 51 of *The Schools Administration Act* is repealed and the following substituted therefor:

Seat  
vacated by  
conviction,  
etc.

(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected

or appointed in the case of a public or secondary school board or ceases to reside within the separate school zone in the case of a separate school board, he *ipso facto* vacates his seat, and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply.

**10.** Subsection 2 of section 55 of *The Schools Administration Act* is amended by inserting after "children" in the third line "of at least two years of age", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 361, s. 55,  
subs. 2,  
amended

- (2) Subject to the regulations, a board may establish day classes in oral speech and lip-reading to accommodate deaf children of at least two years of age within its jurisdiction.

Classes  
for deaf  
children

**11.** Subsection 4 of section 57 of *The Schools Administration Act* is amended by striking out "such fees for instruction as may be fixed by the board and approved by the Minister" in the third and fourth lines and inserting in lieu thereof "fees as provided in subsection 2 of section 100a", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 361, s. 57,  
subs. 4,  
amended

- (4) Non-resident pupils may be admitted to auxiliary classes under the terms permitted or prescribed by the regulations, and upon payment of fees as provided in subsection 2 of section 100a.

Non-  
resident  
pupils

**12.** Clause *a* of section 62 of *The Schools Administration Act* is repealed.

R.S.O. 1960,  
c. 361, s. 62,  
cl. a,  
repealed

**13.** *The Schools Administration Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 361,  
amended

- 65a. A public school board, board of education or secondary school board, with the approval of the Minister, may purchase a school site and purchase or build a school building thereon in an adjoining school section or high school district, as the case may be, for the purpose of operating a school therein, but such property, so long as it is held by the board and is not situated in the school section or high school district in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated.

Purchase  
of school  
site in  
adjoining  
section or  
district

**14.** *The Schools Administration Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 361,  
amended

Natural  
science  
schools

66a.—(1) A board that had an average daily attendance of 10,000 or more in the preceding year in the schools under its jurisdiction may acquire by purchase or otherwise land in any municipality, not exceeding 200 acres, for the purpose of erecting a natural science school, and may build and operate such a school thereon.

Taxation

(2) All land acquired by a board under subsection 1, so long as it is held by the board and is not situated in the school section, separate school zone or secondary school district, as the case may be, in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated.

Programmes

(3) Where a board builds and operates a natural science school, it may conduct a natural science and conservation programme in co-operation with a conservation authority.

R.S.O. 1960,  
c. 361,  
amended

**15.** The heading "INSPECTORS" immediately preceding section 80 of *The Schools Administration Act* is struck out and the heading "SUPERVISORY OFFICERS" substituted therefor.

R.S.O. 1960,  
c. 361, s. 81,  
subs. 3,  
repealed

**16.**—(1) Subsection 3 of section 81 of *The Schools Administration Act* is repealed.

R.S.O. 1960,  
c. 361, s. 81,  
subs. 4,  
amended

(2) Subsection 4 of the said section 81 is amended by striking out "one of whom may be designated as superintendent of public schools" in the sixth and seventh lines.

R.S.O. 1960,  
c. 361, s. 81,  
subs. 7  
(1964,  
c. 105, s. 10),  
re-enacted

(3) Subsection 7 of the said section 81, as enacted by section 10 of *The Schools Administration Amendment Act, 1964*, is repealed and the following substituted therefor:

Separate  
school  
inspectors

(7) Where the average daily attendance of pupils in elementary school classes where English is the language of instruction or in elementary school classes where, with the approval of the Minister, both English and French are the languages of instruction in the separate schools operated by a board in a separate school zone,

- (a) in the year 1965 is 40,000 or more;
- (b) in the year 1967 is 10,000 or more;
- (c) in the year 1968 is 3,000 or more; or
- (d) in the year 1969 is 2,000 or more,

the board may request the Minister to designate the separate school zone as a municipal inspectorate,

and,

and, if the request is granted, the zone shall become a municipal inspectorate on the date designated by the Minister, and the board shall, on or before the 1st day of July following such date, appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.

- (8) In the year 1970 and thereafter, where the average <sup>Idem</sup> daily attendance of pupils in elementary school classes where English is the language of instruction or in elementary school classes where, with the approval of the Minister, both English and French are the languages of instruction in the separate schools operated by a board in a separate school zone is 3,000 or more in the preceding year, the board shall appoint an adequate staff of separate school inspectors whose appointment or removal is not effective until approved by the Minister.
- (9) Where a school section, separate school zone or high <sup>Number of inspectors</sup> school district is a municipal inspectorate, the board of the section, zone or district in respect of,
- (a) elementary school classes where English is the language of instruction;
  - (b) elementary school classes where, with the approval of the Minister, English and French are the languages of instruction; and
  - (c) secondary school classes,
- shall employ in any year where the average daily attendance of pupils in the preceding year in the classes referred to in clause *a*, *b* or *c* in the schools operated by the board was,
- (d) 2,000 or more, but less than 3,500, at least one inspector;
  - (e) 3,500 or more, but less than 7,000, at least two inspectors,

and at least one additional inspector in respect of each additional 7,000 pupils of average daily attendance in classes referred to in clause *a*, *b* or *c*, as the case may be.

**17.** Section 82 of *The Schools Administration Act* is re-<sup>R.S.O. 1960,</sup>  
pealed and the following substituted therefor: <sup>c. 361, s. 82,</sup>  
<sup>re-enacted</sup>



Appoint-  
ment of  
super-  
intendents  
and  
assignments  
of duties

82.—(1) Where a board appoints one or more inspectors, the board, with the approval of the Minister,

(a) shall, subject to subsection 5 of section 81, designate one of the inspectors as superintendent of public, separate or secondary schools, as the case may be, who shall be the chief inspector of public, separate or secondary schools, as the case may be;

(b) may assign to the chief inspector and to each inspector such administrative duties, in addition to those prescribed in the regulations, as the board deems expedient.

Director

(2) A board of education of a city and any other board of education having an average daily attendance of 3,000 or more pupils in the public schools operated by the board and of 3,000 or more pupils in the secondary schools operated by the board may appoint a director of education who shall be qualified as required by the regulations and who, under the direction of the board, shall be in charge of the schools under the jurisdiction of the board.

Appoint-  
ment,  
removal and  
suspension of  
director  
and super-  
intendent

(3) The appointment or removal of a director, assistant director, superintendent or assistant superintendent is not effective until approved by the Minister, and the provisions respecting the suspension or removal of an inspector apply *mutatis mutandis* to a director, assistant director, superintendent and assistant superintendent.

Appoint-  
ment of  
provincial  
inspectors  
to act as  
municipal  
inspectors

(4) Where the number of municipal inspectors required under subsection 9 of section 81 has not or cannot be provided by a board, or a vacancy occurs in the office of a municipal inspector, and the board does not appoint a municipal inspector within one month after receiving a direction from the Minister requiring it to appoint a municipal inspector, the Minister may appoint one or more provincial inspectors as he deems necessary to act as municipal inspectors to carry out the duties of an inspector under subsections 1 and 2 of section 84, and the salaries and expenses of such inspectors while acting as municipal inspectors for such board shall be deducted from the legislative grant payable to such board.

R.S.O. 1960,  
c. 361,  
Part X  
(1962-63,  
c. 129, s. 4),  
amended

18. Part X of *The Schools Administration Act*, as enacted by section 4 of *The Schools Administration Amendment Act*, 1962-63, is amended by adding thereto the following section:



100a.—(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of the financial data and attendance in respect of elementary schools, academic courses in secondary schools or technical and commercial courses in vocational schools, as the case may be, for the year in which such education is provided,

Fees for  
non-resident  
pupils,  
calculation

(a) by ascertaining the gross current expenditure for,

(i) maintenance of the schools under the jurisdiction of the board, excluding transportation, tuition fees and evening courses of study,

(ii) capital expenditures from current funds, excluding the portion of the cost of a new school or an addition to a school building under a technical and vocational training agreement entered into by Canada and Ontario that was assumed and paid by Ontario, and

(iii) debt charges;

(b) by ascertaining the total gross revenue from all sources, excluding legislative grants, taxation, tuition fees and costs recoverable from Ontario;

(c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;

(d) by ascertaining the perfect aggregate attendance of all pupils at the schools under the jurisdiction of the board;

(e) by dividing the amount determined under clause *c* by the attendance determined under clause *d* to calculate the gross cost per pupil per day; and

(f) by multiplying the perfect aggregate attendance of the pupils whose fees are the responsibility of another board, of Canada or of Ontario by the amount determined under clause *e* to ascertain the fees receivable.

Auxiliary  
classes

- (2) Where a board provides instruction for a pupil who is enrolled in an auxiliary class, the fee shall be twice that calculated under subsection 1.

Fees payable  
by municipi-  
palities in  
territorial  
districts

- (3) Where a board provides instruction for a pupil who does not reside in a secondary school district, but who resides in a territorial district in a municipality having a population of 2,000 or more, the council of the municipality shall pay fees to the board calculated as provided in subsection 1, except that under clause *b* the gross revenue shall not be reduced by legislative grants.

Fees  
payable by  
individuals

- (4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board or from Canada, Ontario or a municipal council, the fee payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 3, except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

When fees  
payable by  
boards, etc.

- (5) The fees payable by a board or a municipal council for the education of pupils shall be paid when requested by the treasurer of the board that provides the education on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

Commence-  
ment

**19.**—(1) This Act, except sections 5, 11 and 18, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 shall be deemed to have come into force on the 1st day of January, 1965.

Idem

(3) Sections 11 and 18 come into force on the 1st day of January, 1966.

Short title

**20.** This Act may be cited as *The Schools Administration Amendment Act, 1965*.

## CHAPTER 119

# An Act to amend The Secondary Schools and Boards of Education Act

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 8 of *The Secondary Schools and Boards of Education Act* is amended by adding at the commencement thereof "Except in a territorial district" and by striking out "or in a territorial district" in the tenth line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 362, s. 8,  
subs. 1,  
amended

- (1) Except in a territorial district, no high school district shall be established, nor shall the boundaries of an existing high school district be altered, so as to result in a district in which all the municipalities, or parts of municipalities, included in the district are not adjoining, or to result in a district comprising less than sixteen school sections and former school sections, unless the enrolment during the preceding calendar year of public and separate school pupils in the area to be included in the district is 600 or more, or the district is established under subsection 5 of section 12, or is on an island.

Minimum  
size of  
districts

**2.—(1)** Subsection 1a of section 12 of *The Secondary Schools and Boards of Education Act*, as enacted by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 12,  
subs. 1a  
(1964,  
c. 106, s. 3),  
re-enacted

- (1a) Where in any year as a result of the alteration of the boundaries of a continuation school district or the dissolution of a continuation school the whole or any part of a municipality in a county ceases to be included in a secondary school district, the council of the county in which the municipality or part is situate shall, by by-law passed before the 1st day of July in any year, attach such municipality or part to a high school district in accordance with subsection 1

Attachment  
of contin-  
uation school  
district or  
parts to  
high school  
district

of section 8, and such by-law shall become effective, notwithstanding section 20, on the 1st day of January next following the 31st day of December on which the alteration or dissolution is effective.

R.S.O. 1960,  
c. 362, s. 12,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 12 is repealed and the following substituted therefor:

In territorial  
districts

(3) Subject to the approval of the Minister first being obtained, the council of a municipality or the councils of two or more municipalities in a territorial district may pass by-laws establishing the whole or any part of the municipality or municipalities as a new high school district, and the council of a municipality or the councils of two or more municipalities in a territorial district may in like manner discontinue any high school district already established and shall add the municipalities or parts of municipalities comprised in the district so discontinued to one or more other high school districts or include such municipalities or parts in one or more new high school districts.

R.S.O. 1960,  
c. 362, s. 12,  
subs. 4,  
amended

(3) Subsection 4 of the said section 12 is amended by striking out "an adjoining" in the third line and inserting in lieu thereof "a", so that the subsection shall read as follows:

In  
unorganized  
territory

(4) The Lieutenant Governor in Council may establish any area in territory without municipal organization, or any such area and a municipality or municipalities or any part or parts thereof, as a high school district, and may discontinue or decrease or increase the area of any such high school district, and, if any such high school district is discontinued or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

R.S.O. 1960,  
c. 362, s. 13,  
subs. 2,  
amended

3. Subsection 2 of section 13 of *The Secondary Schools and Boards of Education Act* is amended by striking out "adjoining" in the second line, so that the subsection shall read as follows:

In  
territorial  
districts

(2) Subject to the approval of the Minister, the council of a municipality or the councils of two or more municipalities, in a territorial district, may pass by-laws providing that the whole or any part of such municipality or municipalities shall be added to a high school district that has been established in one or more of such municipalities.



4. Clause *a* of subsection 2 of section 21 of *The Secondary Schools and Boards of Education Act*, as re-enacted by section 5 of *The Secondary Schools and Boards of Education Amendment Act, 1962-63* and amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

(a) who is,

- (i) a member of any other elementary or secondary school board, or
- (ii) a member of the council of a municipality or county all or part of which is included in the high school district, or
- (iii) an elected member of a local board of a municipality or county all or part of which is included in the high school district,

unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be.

5. Subsection 3 of section 22 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

- (3) Where a part of a municipality is included in a high school district and the assessment for secondary school purposes in such part is less than 10 per cent of the total assessment for secondary school purposes in the municipality, such part shall not be deemed a municipality for the purposes of subsections 1 and 2.

6.—(1) Subsection 5 of section 31 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “be” in the sixth line “who are qualified under *The Municipal Act* to vote on money by-laws”, so that the subsection shall read as follows:

- (5) If the council, or half or a majority of the councils where there are more than one, disapproves of the application, the council or each of the councils on the request of the board shall submit the application to a vote of the electors of its municipality, or of the part thereof included in the high school district, as the case may be, who are qualified under *The Municipal Act* to vote on money by-laws, in the manner provided by *The Municipal Act* in the case of a money by-law.



R.S.O. 1960,  
c. 362, s. 31,  
subs. 6,  
amended

(2) Subsection 6 of the said section 31 is amended by inserting after "electors" in the third line "qualified to vote on money by-laws", so that the subsection shall read as follows:

When vote  
to be held

(6) Where the board requests that the application be submitted by the council or each of the councils, as the case may be, to a vote of the electors qualified to vote on money by-laws, unless the board otherwise agrees, the vote shall be held within ninety days of the receipt of the request from the board.

R.S.O. 1960,  
c. 362, s. 34,  
re-enacted

7. Section 34 of *The Secondary Schools and Boards of Education Act*, as amended by section 3 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Estimates

34.—(1) Every high school board in each year shall prepare and adopt and submit to the council of each municipality, all or part of which is included in the high school district, on or before such time as the council may prescribe, estimates of all sums required during the year for the purposes of the board, and such estimates,

(a) shall set forth the estimated revenues and expenditures of the board;

(b) shall make due allowance for a surplus of any previous year that will be available during the current year;

(c) shall provide for any deficit of any previous year;

(d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, v and vii of paragraph 25 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the high school district according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements;

(e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding

year,

R.S.O. 1960,  
c. 361

year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided.

- (2) The council of each municipality, all or part of which is included in a high school district, shall levy and collect each year and transfer to the high school board from time to time as required, but not later than the 15th day of December, such amount as may be required by the board for its purposes during the year, and such amount shall be apportioned and raised in the manner provided in sections 35 and 36 with respect to liability for debenture debt.

**8.**—(1) Subsections 2 and 3 of section 35 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 35, subss. 2, 3, re-enacted

- (2) Where a high school district comprises a city or separated town and one or more other municipalities or parts thereof that form part of a county for municipal purposes, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the city, separated town or other municipality or part, as the case may be, as adjusted by the application of the equalization factor bears to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures. Where city or separated town in high school district

- (2a) Where a high school district comprises two or more counties or parts thereof, the assessments of the municipalities or parts thereof included in the high school district shall, for the purposes of subsections 1 and 2, be adjusted by the application of the equalization factors. Where high school district in more than one county

- (3) Where a high school district comprises two or more municipalities or parts thereof in a territorial district, each municipality is liable for such proportion of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part as adjusted by the application of the equalization factor bears Municipalities in territorial districts

to the assessment of all the municipalities and parts in the high school district as adjusted by the application of the equalization factors, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part and pay its proportion to the municipality that has issued the debentures.

R.S.O. 1960,  
c. 362, s. 35,  
subs. 6,  
re-enacted

(2) Subsection 6 of the said section 35, as amended by subsection 1 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Request for  
arbitration  
where all  
municipalities form  
part of one  
county

(6) Where the council of a municipality in a high school district that comprises only municipalities or parts thereof that form part of one county for municipal purposes is of the opinion that the division of liability in accordance with subsection 1 or 5 imposes an undue burden on the ratepayers of the municipality or part, subject to subsection 12, the council may apply to the board of the high school district before the 1st day of September in the year in which the assessment has been equalized or, where an appeal has been made under section 96 of *The Assessment Act* with respect to such equalized assessment, within fifteen days of the final determination of such appeal for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,  
c. 23

R.S.O. 1960,  
c. 362, s. 35,  
subs. 6a  
(1964,  
c. 106, s. 6,  
subs. 2),  
re-enacted

(3) Subsection 6a of the said section 35, as enacted by subsection 2 of section 6 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Where city,  
separated  
town,  
counties, or  
municipalities in  
territorial  
district,  
concerned

(6a) Except as provided in subsection 6 and subject to subsection 12, where the council of a municipality is of the opinion that the division of liability in accordance with subsection 1, 2, 3 or 5 imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the board of the high school district before the 1st day of September in the year preceding the year in which the proportion to be determined will be payable for an arbitration to determine the proportion of liability each municipality shall bear in the following year.

R.S.O. 1960,  
c. 362, s. 35,  
subs. 7,  
re-enacted

(4) Subsection 7 of the said section 35 is repealed and the following substituted therefor:

- (7) Upon receipt of the application, the board shall <sup>Arbitrators</sup> direct its secretary to call a meeting of the treasurers of the municipalities within or partly within the district, and the county treasurers of the county or counties within which the municipalities forming part of a county for municipal purposes are situated, and these treasurers shall be arbitrators to determine the proportion of liability each municipality shall bear.

- (5) Subsection 8 of the said section 35 is repealed.

R.S.O. 1960,  
c. 362, s. 35,  
subs. 8,  
repealed

- (6) Subsection 11 of the said section 35 is amended by inserting after "assessments" in the third line "as adjusted by the equalization factors", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 362, s. 35,  
subs. 11,  
amended

- (11) In considering the proportion of liability that each municipality shall bear, the arbitrators and the Ontario Municipal Board may have regard to the assessments as adjusted by the equalization factors and equalized assessments, the location of the school and the use that will be made of it, the relative populations of the municipalities, transportation costs, and any other matter that in their or its view should be considered in order to result in an equitable apportionment of liability.

Considera-  
tions in  
determining  
liability

- (7) Subsection 13 of the said section 35 is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 362, s. 35,  
subs. 13,  
re-enacted

- (13) In this section,

Interpre-  
tation

- (a) "assessment" means the assessment upon which taxes are levied in the year preceding the year in which the proportion to be determined will be payable;
- (b) "equalization factor" means the latest equalization factor, based on the assessment referred to in clause *a*, provided by the Department of Municipal Affairs;
- (c) "equalized assessment" means the assessment as equalized in the year preceding the year in which the proportion to be determined will be payable.

9. Subsection 1 of section 36 of *The Secondary Schools and Boards of Education Act* is amended by striking out "assessors of the municipalities and" in the third line and inserting in lieu thereof "treasurers of the municipalities and the assessor for", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 362, s. 36,  
subs. 1,  
amended



Proportion  
of liability  
in high  
school  
district  
that includes  
unorganized  
territory

- (1) Where a high school district comprises part or all of one or more municipalities and territory without municipal organization, the treasurers of the municipalities and the assessor for the territory without municipal organization shall be arbitrators who shall meet before the 1st day of December at the call of the secretary of the board and determine the portion of the amounts under subsection 2 of section 34 and the principal and interest payable under any debentures and expenses connected therewith that shall be raised commencing in the following year by assessment on the ratepayers of each municipality and the territory without municipal organization.

R.S.O. 1960,  
c. 362, s. 42,  
amended

**10.**—(1) Section 42 of *The Secondary Schools and Boards of Education Act*, as amended by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62* and section 8 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is further amended by adding thereto the following subsection:

Appoint-  
ments from  
other  
occupations

- (5a) Where, in the opinion of a board, representation on a committee would be desirable from any business or occupation not referred to in subsection 3, 4 or 5, the board may appoint, in lieu of a person referred to in clause *b* or *c* of subsection 3, 4 or 5, an employee or an employer or director of a company, as the case may be, engaged in such business or occupation.

R.S.O. 1960,  
c. 362, s. 42,  
subs. 7  
(1961-62,  
c. 131, s. 4),  
repealed

(2) Subsection 7 of the said section 42, as enacted by section 4 of *The Secondary Schools and Boards of Education Amendment Act, 1961-62*, is repealed.

R.S.O. 1960,  
c. 362, s. 46,  
subs. 6,  
repealed

**11.** Subsection 6 of section 46 of *The Secondary Schools and Boards of Education Act* is repealed.

R.S.O. 1960,  
c. 362, s. 51,  
subs. 3,  
amended

**12.** Subsection 3 of section 51 of *The Secondary Schools and Boards of Education Act* is amended by striking out "adjoining" in the third line, so that the subsection shall read as follows:

Board in  
territorial  
district

- (3) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more municipalities in a territorial district, the councils of the municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a board of education for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election and the members to be appointed shall be appointed and the board organized in accordance with this Part.



**13.** Subsections 4 and 5 of section 63 of *The Secondary Schools and Boards of Education Act* are repealed. R.S.O. 1960, c. 362, s. 63, subss. 4, 5, repealed

**14.** Subsection 2 of section 66 of *The Secondary Schools and Boards of Education Act* is amended by inserting after "municipality" in the first line "having a population of 2,000 or more" and by striking out "may" in the third line and inserting in lieu thereof "shall", so that the subsection shall read as follows: R.S.O. 1960, c. 362, s. 66, subs. 2, amended

- (2) The council of a municipality having a population Idem of 2,000 or more in a territorial district which, or part of which, has not been established as or included in a secondary school district shall enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality.

**15.**—(1) Subsection 2 of section 70 of *The Secondary Schools and Boards of Education Act*, as re-enacted by subsection 1 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 70, subs. 2 (1964, c. 106, s. 17, subs. 1), re-enacted

- (2) Where a resident pupil of a secondary school district attends a secondary school in another secondary school district pursuant to an agreement under subsection 2 of section 30 or under subsection 1 of section 66 or which he has a right to attend under subsection 2 of section 68, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school attended by the pupil, calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Fees payable R.S.O. 1960, c. 361

(2) Subsections 3 and 4 of the said section 70, as amended by subsections 2 and 3 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, are repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 70, subss. 3, 4, re-enacted

- (3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 66, the council of the municipality shall pay fees to the board that operates the secondary school as provided in subsection 3 of section 100a of *The Schools Administration Act*. Idem

- (4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the Idem

board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in subsection 3 of section 100a of *The Schools Administration Act*.

R.S.O. 1960, c. 362, s. 70, subs. 5 (1960-61, c. 93, s. 7), repealed (3) Subsection 5 of the said section 70, as re-enacted by section 7 of *The Secondary Schools and Boards of Education Amendment Act, 1960-61*, is repealed.

R.S.O. 1960, c. 362, s. 70, subs. 6, re-enacted (4) Subsection 6 of the said section 70, as amended by subsection 4 of section 17 of *The Secondary Schools and Boards of Education Amendment Act, 1964*, is repealed and the following substituted therefor:

Limitation on right to attend without payment of fee

(6) Notwithstanding section 68, where a pupil,

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of six or more years,

he shall not be admitted to a secondary school except upon the payment of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960, c. 361

R.S.O. 1960, c. 362, s. 71, subss. 1, 2, re-enacted **16.** Subsections 1 and 2 of section 71 of *The Secondary Schools and Boards of Education Act* are repealed and the following substituted therefor:

Admission of ward of children's aid society

(1) Subject to subsection 1a, a ward of a children's aid society who has been promoted or transferred to a secondary school shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that was supported by the assessment of the residence in which he resided with his parent or guardian in the year in which he became a ward or, where no secondary school is maintained in the district, to a secondary school pursuant to an agreement under subsection 2 of section 30.

Where ward placed for adoption

(1a) A ward of a children's aid society who has been promoted or transferred to a secondary school and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a secondary school by the board of the secondary school district that is supported by the assessment of the residence in which he resides with his adoptive parent or, where no secondary school is maintained in the district, to a secondary

school pursuant to an agreement under subsection 2 of section 30, upon receipt from the children's aid society of a certificate that he has been so placed for adoption.

- (2) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 30 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 30 for the current school year, the board of the district, or the board of the secondary school district with which an agreement has been made under subsection 2 of section 30, shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 3 of section 100a of *The Schools Administration Act*. <sup>Where fee payable</sup> <sup>R.S.O. 1960, c. 361</sup>

**17.** Where under any special Act one or more municipalities or parts thereof are detached from a high school district in which one or more vocational schools, or vocational additions to secondary schools, have been built under a technical and vocational training agreement entered into by Canada and Ontario, and the cost thereof was assumed by Canada and Ontario, such schools or additions to schools shall not be deemed to be an asset of the board of the high school district for the purpose of the adjustment of assets and liabilities, unless otherwise specifically provided in the special Act. <sup>Vocational schools under Federal-Provincial agreement not deemed asset when district decreased</sup>

**18.—(1)** This Act, except section 7, subsection 1 of section 8 and sections 15 and 16, comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

(2) Section 7, subsection 1 of section 8 and sections 15 and 16 come into force on the 1st day of January, 1966. <sup>Idem</sup>

**19.** This Act may be cited as *The Secondary Schools and Boards of Education Amendment Act, 1965*. <sup>Short title</sup>



## CHAPTER 120

## An Act to amend The Securities Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Securities Act* is amended by striking out “two” in the second line and inserting in lieu thereof “four”, so that the subsection shall read as follows: R.S.O. 1960,  
c. 363, s. 2,  
subs. 1,  
amended

(1) The Commission shall be composed of a chairman and not more than four other members, one of whom shall be designated as vice-chairman, who shall be appointed by the Lieutenant Governor in Council. Commis-  
sion, how  
composed

(2) The said section 2, as amended by section 2 of *The Securities Amendment Act, 1962-63*, is further amended by adding thereto the following subsection: R.S.O. 1960,  
c. 363, s. 2,  
amended

(3) The chairman shall devote his full time to the work of the Commission, and the other members shall devote such time as may be necessary for the due exercise and performance of the powers and duties of the Commission. Duties of  
chairman  
and  
members

2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment

3. This Act may be cited as *The Securities Amendment Act, 1965*. Short title





## CHAPTER 121

## An Act to amend The Seed Potatoes Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *b* of section 1 of *The Seed Potatoes Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 367, s. 1,  
cl. *b*,  
re-enacted

(*b*) "Director" means the Director of the Farm Products Inspection Service of the Department of Agriculture.

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Seed Potatoes Amendment Act, 1965*.

Short title



## CHAPTER 122

## An Act to amend The Separate Schools Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Section 18 of *The Separate Schools Act* is amended by adding thereto the following subsection: R.S.O. 1960,  
c. 368, s. 18,  
amended

- (2) Where a separate school is to be established in a township school area, the householders or freeholders referred to in subsection 1 shall be resident within a former school section as it existed immediately before the formation of the township school area.

**2.** *The Separate Schools Act* is amended by adding thereto the following section: R.S.O. 1960,  
c. 368,  
amended

- 18a. Any person being a Canadian citizen and not less than twenty-one years of age may be elected a trustee whether he is or is not a householder or freeholder. Trustees  
qualifica-  
tions

**3.**—(1) Subsection 1 of section 22 of *The Separate Schools Act*, as amended by section 2 of *The Separate Schools Amendment Act, 1960-61*, is repealed. R.S.O. 1960,  
c. 368, s. 22,  
subs. 1,  
repealed

(2) Subsection 7 of the said section 22 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the first and second lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960,  
c. 368, s. 22,  
subs. 7,  
amended

- (7) The board may charge a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 2. Kinder-  
garten fees  
R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 368, s. 22,  
subs. 8,  
amended

(3) Subsection 8 of the said section 22 is amended by adding at the commencement thereof "Subject to subsection 8a", so that the subsection shall read as follows:

Admission  
of ward of  
children's  
aid society

(8) Subject to subsection 8a, a child who is a ward of a children's aid society shall be admitted to a separate school by the separate school board that was supported by his parent or guardian with whom he resided in the year in which he became a ward, and no fee shall be charged by the board.

R.S.O. 1960,  
c. 368, s. 22,  
amended

(4) The said section 22 is amended by adding thereto the following subsection:

Where ward  
placed for  
adoption

(8a) A child who is a ward of a children's aid society and who has been placed for adoption on a probationary basis shall be admitted, without the payment of a fee, to a separate school by the board of the separate school that is supported by the assessment of the residence in which he resides with his adoptive parent upon receipt from the children's aid society of a certificate stating that he has been so placed for adoption.

R.S.O. 1960,  
c. 368, s. 22,  
subs. 9,  
amended

(5) Subsection 9 of the said section 22 is amended by striking out "not in excess of the net cost per pupil per day in the preceding year" in the ninth and tenth lines and inserting in lieu thereof "as provided in subsection 4 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:

Idem

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the separate school inspector certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee as provided in subsection 4 of section 100a of *The Schools Administration Act*.

R.S.O. 1960,  
c. 361

R.S.O. 1960,  
c. 368, s. 22,  
subs. 12,  
amended

(6) Subsection 12 of the said section 22 is amended by striking out "may charge a fee not in excess of the gross cost per pupil per day for the preceding year" in the third, fourth and fifth lines and inserting in lieu thereof "shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows:



(12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose shall charge a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Agreement between boards  
R.S.O. 1960, c. 361

(7) Subsection 13 of the said section 22, as enacted by subsection 3 of section 3 of *The Separate Schools Amendment Act, 1962-63*, is amended by striking out "the tuition fees charged on his behalf at a rate not in excess of the gross cost per pupil per day in the preceding year" in the eleventh, twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*", so that the subsection shall read as follows: R.S.O. 1960, c. 368, s. 22, subs. 13 (1962-63, c. 132, s. 3, subs. 3), amended

(13) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the inspector for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the inspector for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board a fee calculated in accordance with subsection 1 of section 100a of *The Schools Administration Act*. Where separate school supporter resides in one zone but is closer by road to a separate school in another zone  
R.S.O. 1960, c. 361

4. Section 25 of *The Separate Schools Act*, as amended by section 3 of *The Separate Schools Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 368, s. 25, repealed

5. Subsection 12 of section 27 of *The Separate Schools Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 368, s. 27, subs. 12, re-enacted

(12) When an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote: When voter is objected to

I, ....., declare,  
(a) that I am a householder or freeholder assessed to the support of  
.....; or  
(insert name of board)

(b)

(b) that I am the wife of a supporter of

.....; and  
(insert name of board)

(c) that I am of the full age of twenty-one years; and

(d) that as such supporter or wife of a supporter I have the right to vote at this meeting.

R.S.O. 1960,  
c. 368, s. 32,  
subs. 2  
(1961-62,  
c. 132, s. 4,  
subs. 1),  
re-enacted

6.—(1) Subsection 2 of section 32 of *The Separate Schools Act*, as re-enacted by subsection 1 of section 4 of *The Separate Schools Amendment Act, 1961-62*, is repealed and the following substituted therefor:

Corporate  
name

(2) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of ..... " (insert in order of population, commencing with the municipality with the greatest population, the names of the urban municipalities in which the Board has one or more centres and, in alphabetical order, the rural municipalities in which the Board has one or more centres, but, where the urban municipality with the greatest population has a population of 2,000 or more, the names of the other municipalities may be omitted, and, where the centres of two or more combined separate school zones are located in the same municipality or municipalities, a number shall be assigned by the inspector).

R.S.O. 1960,  
c. 368, s. 32,  
subs. 6  
(1962-63,  
c. 132, s. 5,  
subs. 3),  
re-enacted

(2) Subsection 6 of the said section 32, as enacted by subsection 3 of section 5 of *The Separate Schools Amendment Act, 1962-63*, is repealed and the following substituted therefor:

Trustees in  
combined  
separate  
school zone  
including  
urban  
municipality

(6) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have had under section 35, and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone.

R.S.O. 1960,  
c. 368, s. 32,  
amended

(3) The said section 32, as amended by section 4 of *The Separate Schools Amendment Act, 1961-62* and section 5 of *The Separate Schools Amendment Act, 1962-63*, is further amended by adding thereto the following subsections:

Electors'  
qualifica-  
tions,  
urban  
combined  
separate  
school zone

(8) Every person,

(a) who resides in an urban municipality in an urban combined separate school zone and is

entitled

entitled to vote at the election of trustees under section 41; or

- (b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 26 if the combined separate school were a rural separate school,

is entitled to vote at the election of trustees of the combined separate school and on any school question.

- (9) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 26 is entitled to vote at the election of trustees of the combined separate school and, subject to subsection 2 of section 26, on any school question. Electors' qualifications, rural combined separate school zone

7. Sections 38 and 39 of *The Separate Schools Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 368, ss. 38, 39, re-enacted

- 38.—(1) Subject to section 39, the voting for the election of trustees of an urban separate school board and for all urban school purposes shall be by ballot. Voting to be by ballot
- (2) Within three days of a request in writing of the board of an urban separate school zone, the clerk of the urban municipality shall furnish to the board, Voters' list for urban school zone
- (a) where the municipality is divided into wards, the voters' list of each ward; or
- (b) where the municipality is not divided into wards, the voters' list of each polling subdivision in the municipality,

indicating the names of all persons thereon who are separate school supporters.

- (3) Where an urban separate school zone includes an urban municipality and part of another municipality, Where zone includes urban municipality and part of another municipality
- (a) within three days of a request in writing of the board of the urban separate school zone, the clerk of the other municipality shall furnish to the board a list of voters of the part of the municipality included in the urban

separate

separate school zone, indicating the names of all persons thereon who are separate school supporters; and

- (b) a person who is entitled to vote at the election of trustees of the board and who resides outside the urban municipality is entitled to vote in that ward or division of the urban municipality in which the school house is situate that is nearest to his place of residence.

Voters' list for combined separate school zone

- (4) Within three days of a request in writing of a board of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, shall furnish to the board a list of voters of the municipality or part indicating the names of all persons thereon who are separate school supporters.

Adoption of municipal elections

- 39.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the vote for the election of trustees to be conducted in the same manner as municipal elections in the municipality in which the separate school is situate, or, in the case of a combined separate school zone that includes one or more urban municipalities, in the urban municipality that has the greatest population.

Discontinuation

- (2) The board may in like manner discontinue the voting conducted in the manner of municipal elections.

When manner of voting may be changed

- (3) Where the board requires the vote to be conducted in the same manner as municipal elections and elections are so held, no change in the mode of voting shall be made unless the board has been elected by the same mode for a period of four years.

Time and place, etc., of elections

- (4) Where a resolution is passed in any year under subsection 1,
  - (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as municipal elections in the municipality in which the vote is to be conducted;
  - (b) the meeting of the supporters of the urban or combined separate school for the nomination



of candidates shall be held on the same day as the meeting for the nomination of candidates for council;

- (c) the board shall advertise in each of its schools the place and time of the nomination meeting, and the secretary of the board shall report the names of the nominees to the clerk of the municipality in which the vote is to be conducted;
- (d) in the case of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, except the municipality in which the vote is to be conducted, shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part included in the combined separate school zone, indicating the names of all persons thereon who are separate school supporters;
- (e) the provisions of *The Municipal Act* with respect to elections, except with respect to the nomination of candidates, apply *mutatis mutandis*, except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 40. R.S.O. 1960,  
c. 249

8. Clause *a* of section 40 of *The Separate Schools Act* is amended by striking out "That you are a ratepayer" in the fifth line and by adding after "supporter" in the seventh line "or that you are a Roman Catholic and the wife or husband of a Roman Catholic separate school supporter". R.S.O. 1960,  
c. 368, s. 40,  
cl. *a*,  
amended

9. Section 41 of *The Separate Schools Act* is amended by striking out "cities and towns" in the first line and inserting in lieu thereof "urban municipalities", so that the section shall read as follows: R.S.O. 1960,  
c. 368, s. 41,  
amended

41. In urban municipalities, every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools. Election of  
trustees, who  
may vote



R.S.O. 1960,  
c. 368, s. 49  
(1962-63,  
c. 132, s. 8),  
amended

**10.** Section 49 of *The Separate Schools Act*, as re-enacted by section 8 of *The Separate Schools Amendment Act, 1962-63* and amended by section 7 of *The Separate Schools Amendment Act, 1964*, is further amended by adding thereto the following subsection:

All parts of  
zone to be  
adjoining

- (4) The boundaries of a separate school zone as determined by the inspector or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining.

R.S.O. 1960,  
c. 368, s. 62,  
subs. 2,  
re-enacted

**11.** Subsection 2 of section 62 of *The Separate Schools Act* is repealed and the following substituted therefor:

Expenses of  
collection

- (2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected for separate school purposes shall be paid by the corporation to the treasurer of the board from time to time as may be required by the board on the warrant of the proper inspector and in any event not later than the 15th day of December in the year in which the rates are levied.

R.S.O. 1960,  
c. 368, s. 66,  
subs. 6,  
amended

**12.** Subsection 6 of section 66 of *The Separate Schools Act* is amended by striking out "Before any such by-law is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation in the area within three miles of the separate school stating" in the first, second, third and fourth lines and inserting in lieu thereof "Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating", so that the subsection shall read as follows:

Publication  
of notice  
of by-law

- (6) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,
- (a) the purpose for which the money is to be borrowed;
  - (b) the amount to be borrowed and the security therefor;
  - (c) the terms of repayment including the rate of interest,

and,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

**13.**—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 3 comes into force on the 1st day of January, 1966. Idem

**14.** This Act may be cited as *The Separate Schools Amendment Act, 1965*. Short title



## CHAPTER 123

**An Act to amend  
The Sheridan Park Corporation Act, 1964**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 6 of *The Sheridan Park Corporation Act, 1964* is repealed and the following substituted therefor: <sup>1964, c. 109, s. 6, cl. a, re-enacted</sup>

(a) to acquire and develop,

(i) lands within the area described in the Schedule hereto, and

(ii) such other lands as the Corporation in its opinion considers necessary,

for the purposes of research and ancillary services and generally for establishing a centralized research complex.

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>

**3.** This Act may be cited as *The Sheridan Park Corporation Amendment Act, 1965*. <sup>Short title</sup>





CHAPTER 124

An Act to amend The Sheriffs Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Sheriffs Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 371, s. 1,  
re-enacted
- 1.—(1) The Lieutenant Governor in Council may, by a commission under the Great Seal, appoint a sheriff for each county and district, and may appoint such persons to the staff of the sheriff's office as are deemed necessary and may fix their position specifications, salary ranges, and terms and conditions of employment.

Appoint-  
ment of  
sheriff  
and staff
- (2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of the sheriff's office for a term not exceeding one year.

Temporary  
appoint-  
ments
2. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment
3. This Act may be cited as *The Sheriffs Amendment Act, 1965*.

Short title



## CHAPTER 125

**An Act to establish a Foundation for the  
Preservation of the Burial Place of  
John Graves Simcoe and his Wife**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "chapel" means the building situate in the County of Devon in the Kingdom of Great Britain, and commonly known as Wolford Chapel, containing the remains of John Graves Simcoe and his wife, and includes such lands appurtenant thereto as are necessary for the use of the chapel for the objects of the Foundation;
- (b) "Foundation" means The John Graves Simcoe Memorial Foundation;
- (c) "Fund" means the trust fund maintained by the Foundation;
- (d) "Minister" means the Minister of Tourism and Information or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act.

**2.—(1)** A foundation is established to be known as "The <sup>Foundation established</sup> John Graves Simcoe Memorial Foundation".

(2) The Foundation shall be a body corporate consisting of <sup>Body corporate</sup> a board of directors of fifteen persons, who shall be the trustees of the Fund, and such other persons who become members of the Foundation.

(3) The first directors of the Foundation shall be Norman <sup>First directors</sup> William Long, Floyd S. Chalmers and Harry I. Price, who shall be directors for a term of five years and who shall, subject

to

to the approval of the Minister, appoint eleven other directors, six of whom shall be appointed for a term of four years and five of whom shall be appointed for a term of three years.

Minister  
*ex officio*  
a director

(4) The Minister is *ex officio* a director of the Foundation.

Replace-  
ment of  
directors

(5) Where a vacancy occurs on the board of directors, whether because of death or incapacity or the expiration of a term of office or for any other reason, the remaining directors shall, subject to the approval of the Minister, forthwith appoint a person to fill the vacancy for the remainder of an unexpired term of office or for a term of five years where the term of office has expired.

Re-appoint-  
ment

(6) A director is eligible for re-appointment upon the expiration of his term of office.

Quorum

(7) Five directors constitute a quorum.

Chairman

(8) The directors may appoint a chairman from among themselves.

Advisory  
Board

3. There shall be an advisory board to be known as "The John Graves Simcoe Memorial Advisory Board", consisting of such members as the board of directors of the Foundation, with the approval of the Minister, appoints, and the Advisory Board shall advise the board of directors in respect of any matter referred to it by the board of directors relating to the objects of the Foundation.

Payment  
of expenses

4. The directors and members of The John Graves Simcoe Memorial Advisory Board shall not receive remuneration for their services but may be reimbursed out of the Fund for actual expenses incurred in the business of the Foundation.

By-laws

5. The directors of the Foundation may, with the approval of the Minister, make such by-laws as are necessary for,

- (a) the administration of the Foundation;
- (b) the establishment, appointment and conditions of membership therein;
- (c) the establishment of such honorary offices as they deem desirable and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation.

**6. The objects of the Foundation are,****Objects**

- (a) to acquire, hold, maintain and preserve the chapel as an historic site for the benefit of the public;
- (b) to advance and disseminate knowledge of the works and life of John Graves Simcoe; and
- (c) to establish and maintain a trust fund for the objects of the Foundation.

**7. The directors on behalf of the Foundation,****Powers of  
directors**

- (a) shall establish a trust fund for the objects of the Foundation;
- (b) may acquire real or personal property, whether by public subscription, donation, grant, bequest, purchase or otherwise, and shall hold such property in trust for the objects of the Foundation;
- (c) may borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under subsection 2 of section 9;
- (d) shall invest its funds only in such classes of securities as trustees are permitted to invest in under the laws of Ontario; and
- (e) may enter into such agreements as are deemed advisable for the furtherance of the objects of the Foundation.

**8. The directors shall report annually to the Minister in** **Annual**  
respect of, **reports**

- (a) the finances of the Foundation; and
- (b) the condition of the chapel,

and shall give such further reports as the Minister from time to time requires.

**9.—(1)** The Minister may make grants to the Foundation **Grants**  
out of moneys appropriated therefor by the Legislature upon  
such terms and conditions as he deems advisable.

(2) Upon the recommendation of the Minister, the Lieu- **Guarantees**  
tenant Governor in Council may, upon such terms as he deems  
proper, agree to guarantee and may guarantee the payment of

any



any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation, and the form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee, and the Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the requirements of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province.

**Audit**

**10.** The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Foundation and to the Minister.

**Reorgan-  
ization or  
termination**

**11.** Where a vacancy exists on the board of directors for more than one year or where, in the opinion of the Minister, the board of directors is failing to carry out the objects of the Foundation, the Minister may make the appointments, reconstitute the board of directors by revoking the appointments of the existing directors and making new appointments as he deems advisable to carry out the objects of the Foundation.

**Commence-  
ment**

**12.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

**Short title**

**13.** This Act may be cited as *The John Graves Simcoe Memorial Foundation Act, 1965*.

## CHAPTER 126

## An Act to amend The Succession Duty Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *p* of section 1 of *The Succession Duty Act* R.S.O. 1960, c. 386, s. 1, cl. *p*, amended is amended by adding thereto the following subclauses:

- (iia) any superannuation, pension or death benefit payable or granted out of or under any fund or plan established for the payment of superannuation, pension or death benefits to recipients on or after the death of the deceased in respect of such death,
- (iib) any property disposed of by any person on or after the death of the deceased under the terms of any agreement made by the deceased for valuable consideration given by him providing for the disposal of such property on or after his death, whether or not such agreement is or was enforceable according to its terms by the person to whom such property was so disposed.

(2) Subclause iii of clause *p* of the said section 1 is amended R.S.O. 1960, c. 386, s. 1, cl. *p*, subcl. iii, amended by adding at the end thereof “and any premiums or a part thereof paid for, on behalf of or in respect of the deceased by any business or company by which he was employed or with which he was associated or in which he was interested, other than under a contract in respect of which subclause v applies, shall be deemed to have been paid by the deceased”, so that the subclause shall read as follows:

- (iii) that portion of the money payable as a result of the death of the deceased under a contract of insurance as is in the same ratio to the whole that the amount of the premiums paid by the deceased on such contract bears to the total amount of the premiums paid, and any premiums or a part thereof paid for, on behalf of or in respect of the deceased by any business or

company

company by which he was employed or with which he was associated or in which he was interested, other than under a contract in respect of which subclause v applies, shall be deemed to have been paid by the deceased.

R.S.O. 1960,  
c. 386, s. 1,  
cl. p,  
subcl. v,  
amended

(3) Subclause v of clause p of the said section 1 is amended by inserting after "interested" in the fifth line "or to any other person at the direction of any such business or company", so that the subclause shall read as follows:

- (v) any money payable as the result of the death of the deceased under a contract of insurance to any business or company by which the deceased was employed or with which he was associated or in which he was interested, or to any other person at the direction of any such business or company, to the extent of any part of such money not paid to or paid to and not thenceforward retained by such business or company for its own use and benefit.

R.S.O. 1960,  
c. 386, s. 1,  
amended

(4) The said section 1 is amended by adding thereto the following clause:

- (pa) "registered retirement savings plan" means a retirement savings plan registered under the *Income Tax Act* (Canada).

R.S.C. 1952,  
c. 148

R.S.O. 1960,  
c. 386, s. 4,  
cl. h,  
amended

2. Clause h of section 4 of *The Succession Duty Act*, as amended by section 2 of *The Succession Duty Amendment Act, 1962-63* and section 2 of *The Succession Duty Amendment Act, 1964*, is further amended by striking out "or" at the end of subclause v in the amendment of 1964 and by adding thereto the following subclauses:

- (vii) any interest of the deceased in any registered retirement savings plan,
- (viii) any money or other property payable or transferable as a result of the death of the deceased out of any registered retirement savings plan,
- (ix) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any registered retirement savings plan,
- (x) any interest of the deceased in any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole,

(xi)

- (xi) any money or other property payable or transferable as a result of the death of the deceased out of any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole, or
- (xii) any interest by way of annuity or otherwise accruing or arising on the death of the deceased under any investment fund maintained by a trust company in which moneys received in trust from not fewer than twenty-five persons are combined for the purpose of facilitating investment where the interest of the deceased in such fund does not exceed 10 per cent of the whole.

**3.**—(1) Subsection 1 of section 5 of *The Succession Duty Act*, as amended by section 1 of *The Succession Duty Amendment Act, 1960-61*, is further amended by striking out “Ontario”, R.S.O. 1960,  
c. 386, s. 5,  
subs. 1,  
amended

(a) in the fourth line of clause *a*;

(b) in the fourth line of clause *b*;

(c) in the fourth line and in the eighth line of clause *c*;  
and

(d) in the fifth line and in the seventh line of clause *d*,

and inserting in lieu thereof in each instance “Canada”.

(2) Subsections 3 and 4 of the said section 5 are repealed.

R.S.O. 1960,  
c. 386, s. 5,  
subs. 3, 4,  
repealed

**4.** Subsection 4 of section 10 of *The Succession Duty Act* is amended by striking out “\$1,500” in the fifth line and inserting in lieu thereof “\$2,500”, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 386, s. 10,  
subs. 4,  
amended

- (4) Notwithstanding anything in this Act, where the deceased died domiciled in Ontario, any one branch of any bank, trust company, or any insurance company, other corporation or any one person or any credit union may pay an amount not exceeding \$2,500 of money on deposit standing to the credit of the deceased either alone or jointly with any person, without the consent of the Treasurer, and notice of such payment shall be transmitted forthwith to Payment of  
money on  
deposit,  
where no  
consent  
necessary

the



the Treasurer, and such notice shall show the full name of the deceased, the date and place of his death, the amount paid, the name and relationship to the deceased of the person to whom paid and the total amount of the money on deposit at the date of death of the deceased.

R.S.O. 1960,  
c. 386, s. 24,  
amended

5. Section 24 of *The Succession Duty Act* is amended by striking out "one year" in the seventh line and inserting in lieu thereof "four years", so that the section shall read as follows:

Duty over-  
paid to be  
refunded in  
certain cases

24. The Lieutenant Governor in Council, upon proof to his satisfaction that an overpayment of duty has been made, may refund the amount of such overpayment together with interest thereon at a rate not exceeding 3 per cent per annum from the date of the making of such overpayment to the date on which such amount is refunded, provided that no such refund shall be made after the expiration of four years from the receipt by the Treasurer of an amount purporting to be in full settlement of the duty.

R.S.O. 1960,  
c. 386, s. 34,  
subs. 3,  
amended

6. Subsection 3 of section 34 of *The Succession Duty Act* is amended by striking out "applicant" in the second line and inserting in lieu thereof "appellant", so that the subsection shall read as follows:

Notice of  
appeal

(3) Unless the duty, interest and penalties claimed in the statement are sooner paid, the appellant shall, within one month after being served with the statement, serve the Treasurer with notice of appeal setting out his objection to the statement and the reasons therefor and giving an address in Ontario for service.

Commence-  
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Succession Duty Amendment Act, 1965*.



## CHAPTER 127

**An Act to amend  
The Summary Convictions Act**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 8 of section 6 of *The Summary Convictions Act* is amended by adding at the end thereof "and the justice who issues such summons may be a justice other than the one who received the information", so that the subsection shall read as follows:

R.S.O. 1960,  
c. 387, s. 6,  
subs. 8,  
amended

- (8) Where a summons sent by prepaid post is deemed not to have been served, another summons shall be issued and served in the manner prescribed by subsection 7, and the justice who issues such summons may be a justice other than the one who received the information.

Where  
mailed  
summons  
deemed not  
served

**2.** This Act may be cited as *The Summary Convictions Amendment Act, 1965*.

Short title



## CHAPTER 128

**An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1965, and the 31st day of March, 1966**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

MOST GRACIOUS SOVEREIGN:

**W**HEREAS it appears by messages from the Honourable Preamble  
William Earl Rowe, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1965, and for the fiscal year ending the 31st day of March, 1966, and for other purposes connected with the public service; may it therefore please your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$1,242,600,000 granted by *The Supply Act, 1964*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$15,390,200 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1964, to the 31st day of March, 1965, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based. \$15,390,200  
granted for  
fiscal year  
1964-65  
1964, c. 114

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$1,453,020,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1965, to the 31st day of March, 1966, as set forth in Schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based. \$1,453,020,000  
granted for  
fiscal year  
1965-66

Accounting  
for  
expenditure

**3.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Supply Act, 1965*.

SCHEDULE A

Department of Economics and Development..\$	3,520,000
Department of Energy and Resources Management.....	858,200
Department of Health.....	9,372,000
Department of Public Welfare.....	1,640,000
	<hr/>
\$	15,390,200
	<hr/>

SCHEDULE B

Department of Agriculture.....\$	22,091,000
Department of Attorney General.....	38,826,000
Department of Civil Service.....	1,209,000
Department of Economics and Development..	19,305,000
Department of Education.....	429,765,000
Department of Energy and Resources Management.....	42,115,000
Department of Health.....	176,391,000
Department of Highways.....	329,369,000
Department of Labour.....	16,146,000
Department of Lands and Forests.....	34,281,000
Office of the Lieutenant Governor.....	33,000
Department of Mines.....	3,644,000
Department of Municipal Affairs.....	57,190,000
Department of the Prime Minister.....	237,000
Office of the Provincial Auditor.....	547,000
Department of the Provincial Secretary and Citizenship.....	4,560,000
Department of Public Welfare.....	105,325,000
Department of Public Works.....	57,585,000
Department of Reform Institutions.....	21,564,000
Department of Tourism and Information....	5,938,000
Department of Transport.....	8,431,000
Treasury Department.....	15,320,000
Department of University Affairs.....	63,148,000
	<hr/>
	\$1,453,020,000
	<hr/>





## CHAPTER 129

## An Act to amend The Surrogate Courts Act

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 388, s. 11,  
re-enacted

11.—(1) The Chief Judge of the County and District Courts may assign as he deems necessary or proper from time to time any judge appointed for a county or district under this Act to exercise the powers and perform the duties of a surrogate court judge in any other county or district, and every such judge in the performance of his duties shall have the same powers as a judge appointed under this Act for that county or district. Judges  
acting  
outside  
county or  
district

(2) Every judge appointed under this Act who is a judge or junior judge of a county or district court has the powers of a surrogate court judge appointed under this Act in any other county or district while he is authorized to act as a county or district court judge therein. Idem

2. Section 12 of *The Surrogate Courts Act* is repealed and the following substituted therefor: R.S.O. 1960,  
c. 388, s. 12,  
re-enacted

12.—(1) The Lieutenant Governor in Council may appoint a registrar for each surrogate court and may appoint such persons to the staff of the registrar's office as are deemed necessary, and may fix their position specifications, salary ranges and terms and conditions of employment. Appoint-  
ment of  
registrar  
and staff

(2) The Attorney General, or any public servant designated by him in writing for the purpose, may make temporary appointments to the staff of a registrar's office for a term not exceeding one year. Temporary  
appoint-  
ments

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Surrogate Courts Amendment Act, 1965*.

## CHAPTER 130

**An Act to impose  
a Tax on the Consumers of Tobacco**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

(a) "Comptroller" means the Comptroller of Revenue;

(b) "consumer" means any person who,

(i) in Ontario, purchases or receives delivery of tobacco, or

(ii) in the case of a person ordinarily resident in Ontario or carrying on business in Ontario, brings into Ontario tobacco acquired outside Ontario,

for his own use or consumption or for the use or consumption by others at his expense, or on behalf of, or as the agent for, a principal who desires to acquire the tobacco for use or consumption by him or other persons at his expense, but does not include a dealer;

(c) "dealer" means any person who in Ontario sells tobacco or offers or keeps tobacco for sale, either at wholesale or at retail;

(d) "package" includes a box, tin or other container in which tobacco is sold at retail;

(e) "regulations" means the regulations made under this Act;

(f) "retail dealer" means any person who sells tobacco to a consumer;

(g)

- (g) "retail sale" means a sale to a consumer;
- (h) "tobacco" means tobacco in any form in which it is used or consumed, and includes snuff;
- (i) "Treasurer" means the Treasurer of Ontario;
- (j) "wholesale dealer" means any person who sells in Ontario tobacco for the purpose of resale.

Tax on  
consumer

**2.**—(1) Every consumer shall pay to Her Majesty in right of Ontario a tax computed at the rate of,

- (a) one-twentieth of 1 cent on every cigarette purchased by him;
- (b) one-fifth of 1 cent for every 5 cents or part thereof of the price at retail of every cigar purchased by him;
- (c) one-half of 1 cent per ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him at a rate of less than 50 cents a package, or 1 cent per ounce or part thereof of any tobacco, other than cigarettes or cigars, purchased by him at a rate of 50 cents or more a package, but on any purchase under this clause the minimum tax payable is 1 cent, and every fraction of a cent shall be considered as 1 cent.

Collection  
of tax

(2) The tax imposed by this Act shall be collected from the consumer by the retail dealer as agent of the Treasurer at the time of the sale to the consumer and shall be remitted by the retail dealer to the Treasurer at the time and in the manner prescribed by the regulations.

M.L.A.s  
not dis-  
qualified

(3) No person acting as agent under subsection 2 shall thereby be made ineligible as a member of the Assembly.

Wholesale  
dealer's  
permit

**3.**—(1) No person shall sell tobacco in Ontario for resale unless he holds a subsisting wholesale dealer's permit issued to him under this Act.

Retail  
vendor's  
permit  
required  
1960-61,  
c. 91

(2) No person shall sell tobacco in Ontario to a consumer unless such person holds a subsisting vendor's permit issued to him under *The Retail Sales Tax Act, 1960-61*.

Sale to  
retail  
vendor

(3) No wholesale dealer shall sell tobacco in Ontario to a person who does not hold a subsisting vendor's permit issued to him under *The Retail Sales Tax Act, 1960-61*.

Suspension  
or cancel-  
lation of  
wholesale  
dealer's  
permit

**4.** The Comptroller may suspend or cancel the permit of any wholesale dealer who,

(a)



- (a) refuses or neglects to account for and pay as herein required moneys received by him as proceeds of the tax;
- (b) refuses or neglects to furnish a surety bond when so required under the regulations,

but, before a refusal, suspension or cancellation is made, the wholesale dealer shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a permit should not be refused or why the permit should be not suspended or cancelled, as the case may be.

**5.** Every person ordinarily resident in Ontario or carrying on business in Ontario who brings into Ontario or who receives delivery in Ontario of tobacco acquired for value by him for his own consumption or use or for the consumption or use by other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such tobacco for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply the Comptroller with the invoice and all other pertinent information required from him by the Comptroller in respect of the consumption or use of such tobacco, and shall pay to Her Majesty in right of Ontario the same tax in respect of the consumption and use of such tobacco as would have been payable if the tobacco had been purchased in Ontario.

**6.** No retail dealer shall advertise or hold out or state to the public or to any consumer directly or indirectly that the tax or any part thereof imposed by this Act will be assumed or absorbed by the retail dealer or that it will not be considered as an element in the price to the consumer or, if added, that it or any part thereof will be refunded.

**7.—(1)** Every person who collects any tax imposed by this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and shall pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations.

**(2)** If any person who has collected any tax imposed by this Act fails to pay it over to the Treasurer at the time and in the manner prescribed by the regulations or by agreement made under the regulations, as the case may be, the amount thereof becomes a debt due to Her Majesty in right of Ontario and is a lien upon the property in Ontario of the person in default and has priority over all other claims of other persons, and it shall bear interest at the rate of 6 per cent per annum from the day the amount was due until it is paid.

Investi-  
gation

8.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and may,

- (a) audit or examine any books and records and any account, voucher, letter, telegram or other document that relates or may relate to the tax imposed by this Act;
- (b) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or the amount of any tax imposed by this Act;
- (c) require a dealer liable to collect or pay over or considered possibly liable to collect or pay over tax imposed under this Act, or, if such dealer is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such dealer to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and
- (d) if during the course of an audit of examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams or other documents and retain them until they are produced in any court proceedings.

Demand for  
information,  
etc., from  
dealers

(2) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any dealer or, if any such dealer is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof any information or additional information or production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

(3) The Comptroller may, for any purpose related to the administration or enforcement of this Act and the regulations, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any amount to a dealer, or from any partner, agent or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein. Idem. from dealer's debtors

(4) The Comptroller may, for any purpose related to the administration or enforcement of this Act and the regulations, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon an *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations, and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. Authority to enter and search

(5) The Comptroller may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer, for the purpose of determining what tax, if any, is collectable or payable under this Act by any dealer or consumer, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. Production of records, etc.

(6) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Office of the Comptroller of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Comptroller or a person thereunto authorized by the Comptroller to be a copy made pursuant to this subsection is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way. Copies

**Interference** (7) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing.

**Inquiry** **9.**—(1) The Treasurer may, for any purpose related to the administration or enforcement of this Act or the regulations, authorize any person to make such inquiry as he deems necessary with reference thereto.

**Powers** (2) For the purpose of an inquiry under subsection 1, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner under R.S.O. 1960, c. 323, *The Public Inquiries Act*.

**False returns** **10.**—(1) Every person charged with the collection of the tax imposed by this Act and every officer, agent or employee of every such person who signs any return or statement required by this Act or the regulations containing any false statement is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

**Idem, corporations** (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

**Information to be secret** **11.**—(1) Subject to subsection 2, no person employed by the Government of Ontario shall communicate or allow to be communicated to any person not legally entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any written statement furnished under this Act.

**Communication of information to other jurisdictions** (2) The Treasurer may,  
 (a) communicate or allow to be communicated information obtained under this Act; or  
 (b) allow inspection of or access to any written statement furnished under this Act,

to any person employed by the government of Canada or any province of Canada, provided that the information and written statements obtained by such government for the purpose of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Treasurer, and provided that the information and written statements will not be used for any purpose other than the administration or enforcement of a federal or provincial law that provides for the imposition of a tax.



**12.** Every person who contravenes any of the provisions of this Act or the regulations for which no other penalty is provided is guilty of an offence and on summary conviction is liable, for a first offence, to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not less than ten days and not more than thirty days, or to both, and, for any subsequent offence, to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not less than three months and not more than six months, or to both.

General  
penalty

**13.** Any information with respect to any contravention of this Act or the regulations may be laid within three years from the time when the matter of such information arose, and not afterwards.

Information  
to be laid  
within three  
years

**14.** The fines imposed for offences under this Act are payable to the Treasurer.

Disposition  
of fines

**15.** The moneys required for the purposes of this Act during the fiscal year 1965-66 shall be paid out of the Consolidated Revenue Fund, and thereafter such moneys shall be paid out of the moneys appropriated by the Legislature for the purposes of this Act.

Moneys

**16.** The Lieutenant Governor in Council may make regulations,

Regulations

- (a) providing for the collection of the tax imposed by this Act and designating the persons by whom it is to be collected;
- (b) prescribing the remuneration to be paid to the persons who collect the tax imposed by this Act;
- (c) requiring surety bonds to be furnished by the persons who collect the tax imposed by this Act, and prescribing the form and amount of such bonds;
- (d) providing for the accounting for and paying over of the tax imposed by this Act, and regulating the time and manner of such accounting and payment;
- (e) prescribing the returns and statements to be made by importers, manufacturers and dealers of tobacco, the information to be given in such returns and statements, and by whom and in what manner they are to be made;
- (f) establishing a system of permits for wholesale dealers;

(g)



- (g) respecting agreements between the Comptroller and the persons who collect the tax imposed by this Act, and providing for their use;
- (h) excluding any class of tobacco products from this Act;
- (i) exempting any class of persons from the payment of the tax imposed by this Act;
- (j) providing for the refund of the whole or any part of the tax paid under this Act, and prescribing the records and material to be furnished upon any application for a refund;
- (k) providing for the appointment of such inspectors, officers and other persons as may be necessary for the proper carrying out of this Act;
- (l) prescribing forms and providing for their use;
- (m) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-  
ment

**17.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**18.** This Act may be cited as *The Tobacco Tax Act, 1965*.

## CHAPTER 131

**An Act respecting a Certain Dispute between  
The Toronto Electric Commissioners and Local  
No. 1, Canadian Union of Public Employees**

*Assented to June 10th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Toronto Electric Commissioners and <sup>Preamble</sup>  
Local No. 1, Canadian Union of Public Employees  
(formerly Local No. 1, National Union of Public Service  
Employees) have been parties to several collective agreements,  
the latest of which has expired;

AND WHEREAS the Commission and the Union have  
bargained for a new collective agreement and to that end have  
exhausted conciliation services under *The Labour Relations Act*; <sup>R.S.O. 1960,</sup>  
<sub>c. 202</sub>

AND WHEREAS the terms of the new collective agreement  
remain unsettled;

AND WHEREAS the public interest requires that means be  
found for the settlement of all issues between the Commission  
and the Union in order that a new collective agreement may be  
consummated;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.—(1) In this Act,**

**Interpre-  
tation**

- (a) "board" means the board of arbitration established  
under this Act;
- (b) "Commission" means The Toronto Electric Com-  
missioners;
- (c) "party" means the Commission, on the one hand, or  
the Union, on the other hand, and "parties" means  
the two of them;
- (d) "Union" means Local No. 1, Canadian Union of  
Public Employees (formerly Local No. 1, National  
Union of Public Service Employees).

Idem

(2) Unless the contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

**2.**—(1) This Act applies to the Union, to the Commission and to the employees of the Commission in the bargaining unit defined in the collective agreement between the Commission and the Union, which was effective from the 1st day of February, 1962, to the 31st day of January, 1965.

Application of R.S.O. 1960, c. 202

(2) Except as modified by this Act, *The Labour Relations Act* applies to the Union, to the Commission and to the employees of the Commission in the bargaining unit defined in the collective agreement mentioned in subsection 1.

Declarations under R.S.O. 1960, c. 202, s. 89

(3) No declaration under section 89 of *The Labour Relations Act* may be made by the Commission with respect to the employees to whom this Act applies so long as this Act remains in effect and so long as any agreement consummated under this Act remains in effect.

Appointment of board of arbitration

**3.**—(1) Within seven days after the day on which this Act comes into force, each of the parties shall appoint to a board of arbitration a member who has indicated his willingness to act.

Extension of 7-day period

(2) The parties by agreement in writing may extend the period mentioned in subsection 1 for one or more further periods of time not exceeding a total of ninety days, and thereafter any further extension may be made only with the consent of the Minister.

Third member

(3) Within seven days after the day on which the second of the members was appointed, the two members appointed by the parties shall appoint a third member who has indicated his willingness to act, and such third member shall be the chairman.

Failure of party to appoint third member

(4) Where a party fails to appoint a member of the board within the period of seven days mentioned in subsection 1 or any extension thereof, the Minister, upon the request in writing of either of the parties, shall appoint such member.

Failure of members to appoint third member

(5) Where the two members appointed by or on behalf of the parties fail within seven days after the appointment of the second of them to agree upon the third member, the Minister shall, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint a third member.

(6) As soon as one of the parties appoints a member to the board, it shall notify the other party and the Minister of the name and address of the member appointed. Notice of appointment by party

(7) If a person ceases to be a member of the board by reason of his resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his place after consulting the party whose point of view was represented by such person. Vacancies

(8) If, in the opinion of the Minister, a member of the board has failed to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a member in his place after consulting the party whose point of view was represented by such person. Replacement of member

(9) If the chairman of the board is unable to enter on or to carry on his duties so as to enable it to render a decision within a reasonable time after its establishment, the Minister may appoint a person to act as chairman in his place. Replacement of chairman

(10) No person shall be appointed a member of the board who was a member of the conciliation board that dealt with the matters to be decided by arbitration under this Act. Disqualification of persons as members

(11) No person shall be appointed a member of the board who has any pecuniary interest in the matters coming before it or who is acting or has, within the period of six months preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties. Idem

(12) Where, after the board has been established, either of the parties complains to the Minister that it has failed to render its decision within a reasonable time, the Minister may, after consulting the parties and the board, issue whatever order he deems necessary in the circumstances to ensure that the decision will be rendered without delay. Order to expedite proceedings

(13) The board shall determine its own procedure, but shall give full opportunity to the parties to present their evidence and make their submissions. Procedure

(14) If the members of the board are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs. Idem

(15) The decision of a majority of the members of the board is the decision of the board, but, if there is no majority, the decision of the chairman is the decision of the board. Decision

## Powers

R.S.O. 1960,  
c. 202,

(16) The chairman and the other members of the board have, respectively, all the powers of a chairman and the members of a board of arbitration under *The Labour Relations Act*.

Duty of  
board

4.—(1) The board shall examine into and decide all matters that were in dispute between the parties on the 24th day of March, 1965, and such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement between the parties, but it shall not decide any matters that come within the jurisdiction of the Ontario Labour Relations Board.

Board to  
remain  
seized of  
matters in  
dispute

(2) The board shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties.

Agreement  
upon some  
matters

(3) If, during the proceedings before the board, the parties agree upon some matters to be included in the collective agreement and they so notify the board in writing, the board's decision shall be confined to,

- (a) the matters not agreed upon between the parties; and
- (b) such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement,

and, if, following the rendering of the decision, the parties fail to agree on the terms of a collective agreement within ten days after the release of the decision or within such longer period as may be agreed upon by the parties, the board shall prepare a document giving effect to the agreement of the parties and its decision and shall submit the document to the parties for execution.

## Idem

(4) If the parties do not notify the board in writing during the proceedings before the board that they have agreed upon some matters to be included in the collective agreement, the board shall decide,

- (a) all matters in dispute between the parties; and
- (b) such other matters as the parties agree upon and that appear to the board to be necessary to be decided in order to conclude a collective agreement,

and the board shall prepare a document giving effect to its decision and shall submit the document to the parties for execution.



(5) The board shall, in its decision, fix the time within which the parties shall execute the document. Period for execution

(6) If the parties or either of them fail to execute the document within the time fixed by the decision, the board may order that the document be in effect as though it had been executed by the parties, and the document thereupon constitutes a collective agreement under *The Labour Relations Act*, effective from the day upon which the order was made. Failure to execute document  
R.S.O. 1960, c. 202

(7) Unless the parties agree to a longer term of operation, the collective agreement made under this Act remains in effect for one year from the day the agreement was executed or ordered to be in effect under subsection 6, as the case may be. Term of agreement

(8) Notwithstanding subsection 7, the board may provide that the agreement or any of its provisions shall be retroactive to the 31st day of January, 1965, or any day thereafter. Idem

**5.** *The Arbitrations Act* does not apply to the arbitration under this Act. R.S.O. 1960, c. 18, not to apply

**6.**—(1) Notwithstanding anything in *The Labour Relations Act*, no employees to whom this Act applies shall strike and the Commission shall not lock out such employees during the period that this Act is in force. Strikes and lock-outs prohibited

(2) Sections 55, 56, 67 and 68 of *The Labour Relations Act* apply *mutatis mutandis* to a strike or lock-out of employees to whom this Act applies during the period that this Act is in force. Application of R.S.O. 1960, c. 202, ss. 55, 56, 67, 68

(3) Every person who on the day on which this Act came into force was authorized on behalf of the Union to call or authorize a strike of any of the employees of the Commission shall forthwith give notice to such employees that any call, authorization or direction to go on strike given to them before this Act came into force has been suspended by reason of the coming into force of this Act. Strike notices suspended

(4) So long as this Act is in force, the Commission shall not, except with the consent of the Union, alter the rates of wages or other term or condition of employment of the employees to whom this Act applies that was in effect when this Act came into force. Terms of employment not to be altered

**7.** Except where inconsistent with this Act, sections 69, 70, 71, 72 and 74 of *The Labour Relations Act* apply *mutatis mutandis* under this Act as if such sections were enacted in and formed part of this Act. Application of R.S.O. 1960, c. 202, ss. 69-72, 74

- Expenses            **8.** The expenses incurred for the purposes of this Act shall be paid out of the Consolidated Revenue Fund.
- Commence-  
ment  
and repeal        **9.** This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the collective agreement made under this Act comes into effect.
- Short title        **10.** This Act may be cited as *The Toronto Hydro-Employees' Union Dispute Act, 1965*.

## CHAPTER 132

## The Training Schools Act, 1965

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Inter-  
pre-  
tation

- (a) "Department" means the Department of Reform Institutions;
- (b) "foster home" means a foster home designated under section 25;
- (c) "home" means a foster home or home of the parent to which a child is transferred from a training school while a ward of such training school;
- (d) "inspector" means an officer of the Department designated as such by the Minister;
- (e) "judge" means a judge of a juvenile and family court, or a magistrate;
- (f) "Minister" means the Minister of Reform Institutions;
- (g) "municipality" means a county, metropolitan municipality, city or separated town, and in a provisional judicial district means a city or a town having a population of 5,000 or over or a township having a population of 5,000 or over;
- (h) "Ontario training school" means a training school established under section 3;
- (i) "parent" means a person who is under a legal duty to provide for a child;

(j)

- (j) "private training school" means a training school established under section 4;
- (k) "regulations" means the regulations made under this Act;
- (l) "society" means a religious society, organization or order or a charitable or philanthropic organization;
- (m) "superintendent" means the superintendent or other person in charge of a training school;
- (n) "training school" means an Ontario training school or a private training school. R.S.O. 1960, c. 404, s. 1, *amended*.

Purpose of  
training  
school

**2.** The purpose of a training school is to provide the children therein with training and treatment and with moral, physical, academic and vocational education. R.S.O. 1960, c. 404, s. 2 (1), *amended*.

Ontario  
training  
schools

**3.—(1)** The Lieutenant Governor in Council may provide for the establishment of Ontario training schools. R.S.O. 1960, c. 404, s. 3 (1).

Property

(2) All real property and chattels acquired by purchase, gift or otherwise and for the use of Ontario training schools are vested in the Crown, represented by the Minister of Public Works. R.S.O. 1960, c. 404, s. 3 (3), *amended*.

Cost

(3) The cost of establishing and maintaining Ontario training schools shall be paid out of such moneys as are appropriated therefor by the Legislature, and all revenues from whatsoever source derived by or pertaining to Ontario training schools shall form part of the Consolidated Revenue Fund. R.S.O. 1960, c. 404, s. 3 (4), *amended*.

Private  
training  
schools

**4.—(1)** The Lieutenant Governor in Council may authorize any society to establish and maintain a private training school, and, subject to the other provisions of this Act, a society so authorized is responsible for the maintenance in proper condition of the training school, its premises and equipment, and the Lieutenant Governor in Council may cancel any such authority for any reason that in his opinion warrants such cancellation. R.S.O. 1960, c. 404, s. 4 (1), *amended*.

Approval  
of plans  
and sales

(2) A society shall not erect, acquire, establish, change the site of, add to or structurally alter a private training school until the site and plans thereof have been approved by the Minister, and a society shall not sell or dispose of the premises

of a private training school, or any part thereof, until the sale or disposal has been approved by the Minister. R.S.O. 1960, c. 404, s. 3 (3), *amended*.

(3) Any religious corporation may set apart and grant or lease for a nominal consideration or otherwise for the purposes of a private training school any land that it has a general power to dispose of for religious, charitable or educational purposes without being deemed guilty of a breach of trust. R.S.O. 1960, c. 404, s. 4 (4). Granting or leasing of land

5. A training school shall bear such name or other designation as is approved by the Lieutenant Governor in Council. R.S.O. 1960, c. 404, s. 4 (2), *amended*. Name

6.—(1) There shall be a board of not more than five members to be known as The Training Schools Advisory Board, the members of which shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure, and the Lieutenant Governor in Council may designate one of the members to be chairman of the Advisory Board. R.S.O. 1960, c. 404, s. 5 (1), *amended*. Advisory Board

(2) The Minister may appoint a secretary for the Advisory Board. Secretary

(3) The Advisory Board shall meet at the call of the Minister or the chairman. R.S.O. 1960, c. 404, s. 5 (2, 3). Meetings

(4) The Advisory Board shall act in an advisory capacity to the Minister and, when so requested by him, shall consult with him as to the administration of this Act and of training schools. R.S.O. 1960, c. 404, s. 5 (4), *amended*. Advisory Board to act in advisory capacity

(5) The Advisory Board shall, by visiting and otherwise investigating training schools, ascertain the condition thereof and the welfare of the children therein, and shall report to the Minister and make such recommendations as it deems advisable. R.S.O. 1960, c. 404, s. 5 (5), *amended*. Investigation of training schools

(6) The members of the Advisory Board shall serve without remuneration, but the Lieutenant Governor in Council may fix a *per diem* allowance to be payable to each member, and every member is entitled to his reasonable and necessary travelling expenses, as certified by the chairman, for attendance at meetings and in the transaction of the business of the Advisory Board. R.S.O. 1960, c. 404, s. 5 (7). Allowance as member of Advisory Board

7.—(1) Every training school shall be inspected at least twice a year by an inspector, who shall be given free access to all parts of its premises and to all its books and records Inspection of training schools



and who shall make such inquiries as are necessary to determine the training and welfare of the staff and wards therein, and, in the case of a private training school, the inspector also has authority to inspect the books and records of the society maintaining the training school in so far as they relate to the training school. R.S.O. 1960, c. 404, s. 6 (1), *amended*.

Minister  
may request  
inspection  
of training  
school

(2) The Minister may request any inspector or other officer of the Department or employee of any other department to conduct an inspection of any training school for any special purpose, and, for the purposes of the inspection, such inspector, officer or employee has the same powers as an inspector under subsection 1.

Reports on  
inspections

(3) The inspector and any other person who conducts an inspection under this section shall make such reports as the Minister requires. R.S.O. 1960, c. 404, s. 6 (2, 3).

Certain  
children  
under 16  
may be  
sent to a  
training  
school

8.—(1) Upon the application of any person, a judge may order in writing that a child under sixteen years of age at the time the order is made be sent to a training school where the judge is satisfied that,

- (a) the parent or guardian of the child is unable to control the child or to provide for his social, emotional or educational needs;
- (b) the care of the child by any other agency of child welfare would be insufficient or impracticable; and
- (c) the child needs the training and treatment available at a training school,

and the order shall state the facts upon which the decision is based. R.S.O. 1960, c. 404, s. 7 (1), *amended*.

Proceedings  
before judge

(2) Where an application is made under subsection 1, the judge shall,

- (a) hear the child; and
- (b) hear the evidence of or on behalf of the person who has submitted the application and make adequate inquiry into the truth of such evidence. R.S.O. 1960, c. 404, s. 7 (2), *amended*.

Evidence  
to be under  
oath and  
transcribed

(3) The evidence shall be given under oath and shall be taken down and transcribed,

- (a) by the court stenographer, where the proceedings are in a juvenile and family court; and

(b)

- (b) by a stenographer appointed by the judge, where the proceedings are not in a juvenile and family court or where the juvenile and family court does not have a stenographer. R.S.O. 1960, c. 404, s. 7 (3), *amended*.

(4) Stenographers appointed under clause *b* of subsection 3 shall be paid according to the rate prescribed under *The Magistrates Act* for taking down and transcribing evidence, and the fees are payable by the municipality to which the child belongs, but, where the child belongs to territory without municipal organization, the fees are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1960, c. 404, s. 7 (4), *amended*. Steno-  
graphers  
fees  
R.S.O. 1960,  
c. 226

(5) The judge shall hear all cases coming before him under this section *in camera*. R.S.O. 1960, c. 404, s. 7 (5). Hearing in  
private

**9.** A judge may order that a child be sent to a training school where, Other cases

(a) the child is at least twelve years of age and under sixteen years of age at the time the order is made; and

(b) the child has contravened any statute in force in Ontario, which contravention would be punishable by imprisonment if committed by an adult. *New*.

**10.** A child shall not be admitted to a training school except in accordance with this Act. *New*. All admis-  
sions to  
be in  
accordance  
with this  
Act

**11.** The judge in his order sending a child to a training school shall, Contents  
of order

(a) designate the municipality to which the child belongs, if any;

(b) state, where practicable, the name, age and religious faith of the child; and

(c) provide for the payment of the cost of maintenance of the child in accordance with this Act. R.S.O. 1960, c. 404, s. 14 (1), *amended*.

**12.—**(1) Where a judge orders that a child be sent to a training school, the judge shall cause a copy of the evidence taken before him to be sent to the superintendent of the training school and a copy to be sent to the Department. R.S.O. 1960, c. 404, s. 9, *amended*. Copy of  
evidence to  
superinten-  
dent and  
Department

(2) The clerk of the court shall send by registered mail a certified copy of the order to the clerk of the municipality declared liable for the maintenance of the child to the parent Clerk to  
mail copies  
of order

of the child, to the Department and to any other person the judge deems necessary. R.S.O. 1960, c. 404, s. 14 (2), *part, amended.*

Appeal to  
county or  
district  
court

**13.**—(1) A decision under section 8 granting or refusing an order to send a child to a training school may be appealed to the judge of the county or district court of the county or district in which the application was made, but, where the judge who made the decision is a county or district court judge, the appeal shall be heard and disposed of by any other county or district court judge in the same county or district court district.

Appeal to  
Supreme  
Court  
judge

(2) A decision under section 9 may be appealed to a judge of the Supreme Court. *New.*

Religion of  
child to be  
considered

**14.** As far as practicable, a Roman Catholic child shall be sent to such training school maintained by a Roman Catholic society or to such Ontario training school designated by the Minister as non-denominational as is determined by the regulations, and a child of any other religious faith shall be sent to such Ontario training school or such private training school, other than one maintained by a Roman Catholic society, as is determined by the regulations. R.S.O. 1960, c. 404, s. 11, *amended.*

Transporta-  
tion of  
children  
to training  
school

**15.**—(1) Every child sent to a training school shall be taken to the training school by a probation officer or other person designated by the judge in his order, and, subject to subsection 2, the actual expense in so doing shall be borne by the municipality liable for maintenance. R.S.O. 1960, c. 404, s. 13 (1), *amended.*

Expenses  
in a  
provisional  
judicial  
district

(2) The expenses of conveying a child to a training school from a part of a provisional judicial district not in a municipality are payable out of any money appropriated for the administration of justice in provisional judicial districts. R.S.O. 1960, c. 404, s. 13 (2), *amended.*

Liability  
of municipi-  
ality

**16.**—(1) Where a child is sent to a training school, the municipality to which the child belongs is liable,

(a) to the Department, in the case of an Ontario training school; or

(b) to the society operating the school, in the case of a private training school,

for the payment of such sum per day as is prescribed by the regulations towards the cost of maintenance of the child for each actual day's stay of the child in the training school or in

a foster home to which the school makes payments for the maintenance of the child. R.S.O. 1960, c. 404, s. 15 (1), *amended*.

(2) For the purposes of this section, a child shall be deemed to belong to the municipality in which he has last resided for a period of one year, but, in the absence of evidence to the contrary, residence for one year in the municipality in which he was taken into custody shall be presumed. R.S.O. 1960, c. 404, s. 15 (2). Where child belongs

(3) Where a child has not resided in any municipality in Ontario for one year, the child shall be deemed to belong to the municipality in which his mother has last resided for one year. R.S.O. 1960, c. 404, s. 15 (3), *amended*. Where mothers residence taken

(4) In the computation of the time in subsections 2 and 3, the time during which the child, or his mother, was an inmate of a children's, infants', maternity or other boarding home, a correctional or charitable institution, a hospital or any home or institution for custodial, medical or other care or supervision shall not be regarded, and the time during which the mother has resided in a municipality while her child was an inmate of any such home or institution shall likewise be disregarded. Periods to be excluded in fixing time

(5) In all other cases, the judge shall determine the municipality to which the child belongs, if any. R.S.O. 1960, c. 404, s. 15 (4, 5). Other cases

**17.** A municipality declared liable for the maintenance of a child may, within thirty days after the mailing of the certified copy of the order, apply to the judge making the order or to a judge in the county or district in which the parent of the child resides to vary the part of the order declaring the municipality liable. R.S.O. 1960, c. 404, s. 14 (2), *part, amended*. Application to vary municipal liability

**18.—(1)** A decision upon an appeal under section 13 or 17 or an order under subsection 2 of section 20 is subject to an appeal to the Court of Appeal. Appeals to Court of Appeal

(2) An appeal under this Act on behalf of a child may be made at the instance of a next friend. R.S.O. 1960, c. 404, s. 7 (7), *amended*. Appeal by next friend

**19.** Each superintendent shall from time to time render to the clerk of every municipality that is liable for the maintenance of one or more children in the training school statements of account of the charges with full particulars thereof, Statements of account to be rendered

and,



and, if any such account is not paid within a reasonable time after it has been rendered, it may be recovered as a debt in a court of competent jurisdiction. R.S.O. 1960, c. 404, s. 16, *amended*.

Municipal  
right of  
recourse  
against  
parent

**20.**—(1) Where a municipality has paid an account rendered to it under this Act, it may recover from a parent the amount of the payment so made as a debt in a court of competent jurisdiction. R.S.O. 1960, c. 404, s. 18 (1), *amended*.

Variation  
of parent's  
liability

(2) Where a judge finds that a parent is unable to refund the cost of the child's maintenance to the municipality under subsection 1, the judge may order that the parent refund such part thereof as the judge determines, and the judge may vary or rescind the order where the circumstances of the parent have changed. R.S.O. 1960, c. 404, s. 14 (3), *part, amended*.

Application  
of section

(3) This section applies whether or not the child is over the age of sixteen years, and nothing in this section relieves the municipality from liability for the charges. R.S.O. 1960, c. 404, s. 14 (3), *part, amended*.

Enforce-  
ment of  
orders  
R.S.O. 1960,  
c. 105

(4) The provisions of *The Deserted Wives' and Children's Maintenance Act* with respect to the enforcement of orders apply *mutatis mutandis* to the enforcement of the liability of a parent under this section. R.S.O. 1960, c. 404, s. 14 (5), *amended*.

Muni-  
cipality's  
right of  
recourse  
against  
another  
municipality

**21.** Where a municipality pays charges under this Act for which another municipality is liable, the municipality that made the payment may recover the amount thereof as a debt due from the other municipality, and, upon payment of the debt, the other municipality is entitled to exercise the right to be refunded conferred by section 20. R.S.O. 1960, c. 404, s. 17, *amended*.

County's  
right to  
contribution

**22.** The corporation of a county has the right to recover an amount not exceeding one-half of the charges paid by it in respect of any child for which it is liable under this Act from the corporation of the township, town or village forming a part of the county in which he was a resident at the time of admission to a training school. R.S.O. 1960, c. 404, s. 19, *amended*.

Wardship  
of training  
school

**23.**—(1) Upon admission to a training school, a child becomes a ward of the training school, and the superintendent may exercise the rights and duties of a guardian for the purpose of the care, custody and control of the child. R.S.O. 1960, c. 404, s. 21 (1), *part, amended*.



(2) During the period that a child is a ward of a training school, the rights and duties of the child's parent or any other guardian in respect of the care, custody and control of the child are suspended. R.S.O. 1960, c. 404, s. 21 (2), *amended*. Rights of other guardians

(3) The Minister may upon or at any time after the release of a child from a training school order that the wardship of the training school shall cease. Termination of wardship by Minister

(4) The wardship of the training school shall continue until the child attains the age of eighteen years unless the Minister orders that the wardship shall cease before such date. R.S.O. 1960, c. 404, s. 21 (1), *part, amended*. Termination of wardship upon child attaining 18 years of age

**24.** A clergyman of the religious faith to which a child appears to belong may visit the child at the school for the purpose of instructing him in religion on such days and at such times as are fixed by the superintendent. R.S.O. 1960, c. 404, s. 12, *amended*. Visits by clergymen

**25.—**(1) The Minister or any officer of the Department designated in writing by the Minister may, Powers of Minister

(a) designate foster homes for the purposes of this Act;

(b) order a child to be transferred,

(i) from one training school to another or to a home, or

(ii) from one home to another or to a training school;

(c) order a child released from a training school upon such conditions as he thinks fit.

(2) Where a child is transferred from a training school to a home, the control of the superintendent is not thereby abated or diminished unless the Minister orders that the wardship of the training school shall cease. R.S.O. 1960, c. 404, s. 22 (1), *amended*. Placing-out of children

**26.—**(1) If a child sent to a training school escapes therefrom or neglects to attend thereat, he may, at any time before the termination of wardship, be apprehended without warrant and brought back to a training school. R.S.O. 1960, c. 404, s. 23 (1), *amended*. Apprehension on escape

(2) Where a child leaves a home without the permission of the Minister or an officer of the Department designated in writing by the Minister, or refuses to return to the training school, he shall be deemed to have escaped from the training school. R.S.O. 1960, c. 404, s. 23 (2), *amended*. What to be deemed an escape

## Penalties

**27.** Every person,

- (a) who aids or abets any child to escape from or unlawfully leave a training school or home;
- (b) who knowingly harbours or conceals a child who has escaped from or unlawfully left a training school or home, without giving notice of the child's whereabouts to the training school or to the local police authorities; or
- (c) who knowingly makes, or procures to be made, any false statement in any return required under this Act,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1960, c. 404, s. 24, *amended*.

## Regulations

**28.** The Lieutenant Governor in Council may make regulations,

- (a) regarding the management, discipline, government and control of training schools and the maintenance of the buildings, premises and equipment thereof;
- (b) regulating the conduct and discipline of children in training schools;
- (c) prescribing the type of training, treatment and moral, physical, academic and vocational education to be provided in training schools and setting standards of instruction;
- (d) prescribing the conditions under which children may leave training schools;
- (e) for determining the training schools to which children may be sent under section 14;
- (f) providing for the use in a training school of such products and articles as may be produced on the premises thereof, and for the sale of any surplus products or articles that may be produced or manufactured on the premises thereof;
- (g) prescribing the records, books, account systems, audits, reports and returns to be kept and made by or pertaining to training schools;

- (h) prescribing the duties of The Training Schools Advisory Board in addition to those duties mentioned in section 6;
- (i) prescribing the powers and duties of superintendents, including the control that they may exercise over the children under their care;
- (j) providing for the apportionment and distribution of grants to societies maintaining private training schools out of moneys appropriated therefor by the Legislature and for the conditions governing the payment thereof;
- (k) prescribing the amount that municipalities shall pay for the maintenance in training schools of children who belong to the municipality;
- (l) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.  
R.S.O. 1960, c. 404, ss. 25, 26, *amended*.

**29.** *The Training Schools Act* and *The Training Schools Amendment Act, 1961-62* are repealed. R.S.O. 1960,  
c. 404;  
1961-62,  
c. 139,  
repealed

**30.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commence-  
ment

**31.** This Act may be cited as *The Training Schools Act*, Short title  
1965.



## CHAPTER 133

## An Act to amend The Trench Excavators' Protection Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Trench Excavators' Protection Act* is <sup>R.S.O. 1960, c. 407, s. 1, amended</sup> amended by relettering clause *a* as clause *ad* and by adding thereto the following clauses:

- (a) "chief officer" means the officer of the Department of Labour designated by the Deputy Minister of Labour as chief officer for the purposes of this Act;
- (ab) "constructor" means a person who contracts with an owner for the work on a trench, and includes an owner who undertakes the work on a trench;
- (ac) "depth" means the vertical dimension from the highest point of an excavation to a point level with the lowest point of the excavation;

. . . . .

- (ae) "owner" means the person for whose benefit a trench is to be excavated.

2. *The Trench Excavators' Protection Act* is amended by <sup>R.S.O. 1960, c. 407, amended</sup> adding thereto the following section:

- 1a. Subject to section 2, this Act and the regulations <sup>Where Act applies</sup> apply to every trench, including any trench of the Crown or of any agency of the Crown or of any municipality as defined in *The Department of Municipal Affairs Act*. <sup>R.S.O. 1960, c. 98</sup>

3. Clause *g* of section 2 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 407, s. 2, cl. g, re-enacted</sup>

(g)



- (g) to a shaft, tunnel, caisson or coffer dam to which any regulation under subsection 1 of section 10 of *The Department of Labour Act*, as amended or remade from time to time, applies.

R.S.O. 1960,  
c. 97

R.S.O. 1960,  
c. 407, s. 3,  
subs. 2,  
re-enacted

**4.** Subsection 2 of section 3 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

Provincial  
inspectors

- (2) There shall be one or more provincial inspectors who shall,

(a) instruct, advise and assist municipal inspectors in carrying out their duties under this Act; and

(b) enforce this Act and the regulations in territory without municipal organization.

R.S.O. 1960,  
c. 407,  
amended

**5.** *The Trench Excavators' Protection Act* is amended by adding thereto the following section:

Certificate  
of appoint-  
ment

- 3a.—(1) There shall be issued to every inspector a certificate of appointment signed by the clerk of the municipality or the Deputy Minister, as the case may be.

Production  
of  
certificate

- (2) When carrying out any of his duties under this Act, an inspector shall produce his certificate of appointment, if such is requested.

R.S.O. 1960,  
c. 407, s. 5,  
subs. 1,  
amended

**6.**—(1) Subsection 1 of section 5 of *The Trench Excavators' Protection Act* is amended by adding at the end thereof "other than such work as is necessary to carry out the order with safety", so that the subsection shall read as follows:

Order of  
inspector

- (1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may give such order in writing as he thinks necessary to secure compliance therewith and, until such order is carried out, the work upon that part of the trench in which the contravention occurs shall be suspended, other than such work as is necessary to carry out the order with safety.

R.S.O. 1960,  
c. 407, s. 5,  
subs. 2,  
amended

- (2) Subsection 2 of the said section 5 is amended by striking out "and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day upon which the contravention continues" in the fifth, sixth and seventh lines and inserting in lieu thereof "against this Act", so that the subsection shall read as follows:

- (2) Every person to whom an order of an inspector is directed who contravenes or knowingly permits any person under his direction or control to contravene such order or to carry on work in contravention of subsection 1 is guilty of an offence against this Act.

**7.**—(1) Subsection 1 of section 6 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 407, s. 6,  
subs. 1,  
re-enacted

- (1) The constructor shall before commencing work on a trench give notice in writing to an inspector appointed to enforce this Act in the jurisdiction in which the trench is to be excavated stating,
- (a) his name and address and the name and address of the owner of the trench;
  - (b) the location of the trench;
  - (c) the particulars as to the length, depth and width of the trench;
  - (d) the particulars known to the constructor of the type and condition of the soil, and the location of any pipes, conduits or prior excavations in or near the trench;
  - (e) the proposed date of commencing work on the trench; and
  - (f) the name and address of the person who will be in charge of the work on the trench.

Inspector  
to be  
notified of  
proposed  
trench

(2) The said section 6 is amended by adding thereto the following subsection:

R.S.O. 1960,  
c. 407, s. 6,  
amended

- (3) Where the length of a trench to be excavated is 100 feet or more, a copy of the notice required by subsection 1 shall be given to the chief officer by the constructor before commencing work on the trench.

Where chief  
officer to be  
notified

**8.** *The Trench Excavators' Protection Act* is amended by adding thereto the following section:

R.S.O. 1960,  
c. 407,  
amended

- 6a.**—(1) Every municipal inspector or, where there is more than one, the senior in appointment shall prepare and submit to his council a report on or before the 31st day of January of each year in respect of the previous calendar year, and such report shall contain.

Annual  
report of  
municipal  
inspector

- (a) the number of inspectors appointed by the municipality;
- (b) the number of notices received under section 6;
- (c) the total length of trenches referred to in the notices received under section 6;
- (d) the number of informations laid for offences under this Act;
- (e) the nature of such offences and the number of convictions made with respect thereto and the penalties imposed;
- (f) the number of persons fatally injured in connection with work on trenches, and the causes of such fatalities;
- (g) the number of orders made under section 5 and the number of work stoppages ordered;
- (h) such other matters as are prescribed.

Idem

- (2) Every municipal inspector who submits a report under subsection 1 shall forthwith send a copy thereof to the chief officer.

R.S.O. 1960,  
c. 407, s. 7,  
amended

**9.** Section 7 of *The Trench Excavators' Protection Act* is amended by striking out "the owner of the land in which a trench is being excavated or, if the work on the trench is being done by a contractor, it is the duty of the contractor" in the first, second and third lines and inserting in lieu thereof "a constructor", so that the lines preceding the clauses shall read as follows:

Duties of  
constructor

7. It is the duty of a constructor,

. . . . .

R.S.O. 1960,  
c. 407, s. 11,  
subs. 1,  
re-enacted

**10.** Subsection 1 of section 11 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor:

Explosives

- (1) The person in charge of work in connection with a trench shall ensure that only a person experienced in handling explosives shall handle, transport, prepare or use explosives in connection with such work, but a person inexperienced in handling explosives may work under the personal supervision of a person experienced in such work.

**11.** *The Trench Excavators' Protection Act* is amended by R.S.O. 1960, c. 407, amended adding thereto the following section:

15a. No person shall operate a power-driven crane, shovel, back-hoe or any similar machine in such a way that it or any part of its load may pass over a person in or near a trench. <sup>Power machines</sup>

**12.** *The Trench Excavators' Protection Act* is amended by R.S.O. 1960, c. 407, amended adding thereto the following section:

16a.—(1) No person shall bring any object, including the boom of a crane or its load, within eight feet of an electric power line of more than 750 volts unless he, <sup>Objects near power lines</sup>

(a) ensures that the electric supply is disconnected;

(b) ensures that the conductors are insulated; or

(c) is using a crane that is equipped,

(i) with a device to automatically warn the operator when the boom is within eight feet of a power line, or

(ii) with insulation to prevent any electrical hazard to the crane operator or persons in the vicinity.

(2) No person shall operate a power-driven crane, shovel, back-hoe or any similar machine closer than the length of the boom of the machine to a power line of more than 750 volts unless he has a person stationed within his view to warn him of danger from the power line. <sup>Where signalman required</sup>

**13.** Section 18 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 407, s. 18, re-enacted</sup>

18. The person in charge of work in connection with a trench shall ensure that no person shall enter or remain in the trench if any of the provisions of this Act or the regulations with respect to such trench are not complied with. <sup>Persons entering trenches</sup>

**14.** Section 20 of *The Trench Excavators' Protection Act* is repealed and the following substituted therefor: <sup>R.S.O. 1960, c. 407, s. 20, re-enacted</sup>

20. No person shall be in or near a trench unless he is wearing a hat manufactured for the purpose of protecting persons from falling objects. <sup>Protective hats</sup>



R.S.O. 1960,  
c. 407, s. 21,  
amended

**15.** Section 21 of *The Trench Excavators' Protection Act* is amended by striking out "be allowed to" in the first line and by striking out "exceeding twenty feet in depth" in the second line, so that the section shall read as follows:

Solitary  
workers

21. No person shall work alone in a trench unless another person is on duty outside the trench in close proximity to the part of the trench in which the other person is working.

R.S.O. 1960,  
c. 407, s. 22,  
amended

**16.** Section 22 of *The Trench Excavators' Protection Act* is amended by striking out "be allowed to" in the first and second lines, so that the section shall read as follows:

Persons  
under 16

22. No person under sixteen years of age shall enter or work in a trench.

R.S.O. 1960,  
c. 407,  
amended

**17.** *The Trench Excavators' Protection Act* is amended by adding thereto the following sections:

Bodily  
injury

22a.—(1) Where an accident, industrial disease, explosion or fire causes bodily injury to a person in or near a trench whereby he is prevented or is likely to be prevented for three days from working and such occurrence does not require notice to an inspector under section 22b, a notice in writing of the occurrence shall be given to the chief officer by the person's employer stating,

(a) the person's name, age and address;

(b) the location, time, nature and cause of the occurrence.

Notice

(2) Such notice shall be given within four days after the occurrence.

Idem

(3) A true copy of the notice required to be given by an employer to the Workmen's Compensation Board by section 115 of *The Workmen's Compensation Act* may be delivered or mailed to the chief officer as sufficient notice under subsection 1.

R.S.O. 1960,  
c. 437

Fatal  
accidents

22b.—(1) Where a workman in or near a trench is killed or is critically injured, his employer shall immediately notify an inspector by telephone, telegram or in person of the occurrence, and shall, within forty-eight hours after the occurrence, send him a written report of the circumstances of the occurrence.



- (2) An inspector who receives a notice under subsection 1 shall, Notice to chief officer, etc.

- (a) immediately upon receipt thereof, notify the chief officer by telephone, telegram or in person of the occurrence mentioned in the notice;
  - (b) immediately upon receipt of the employer's report under subsection 1, send a copy thereof to the chief officer; and
  - (c) forthwith investigate the circumstances of the occurrence and, where practicable, determine the cause or causes of the occurrence, and report in writing thereon to the chief officer with his recommendations for preventing a repetition of the occurrence and, where the inspector is a municipal inspector, send a copy of the report to the council of his municipality.
- (3) Where a person in or near a trench is killed or is critically injured, no person shall, except for the purpose of, Disturbance of wreckage
- (a) saving life or relieving human suffering; or
  - (b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector.

**18.** Section 24 of *The Trench Excavators' Protection Act* R.S.O. 1960, c. 407, s. 24, re-enacted is repealed and the following substituted therefor:

- 24.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than twelve months, or to both. Offence
- (2) Every person who is convicted of an offence against subsection 2 of section 5 is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$100 a day for every day upon which the contravention continued after such order was given. Additional penalty

Penalty for  
corporations

- (3) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed is \$5,000 and not as provided therein.

Commence-  
ment

**19.** This Act comes into force on the day it receives Royal Assent.

Short title

**20.** This Act may be cited as *The Trench Excavators' Protection Amendment Act, 1965*.

## CHAPTER 134

## An Act to amend The Trustee Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Trustee Act* is amended by adding thereto the following clause: R.S.O. 1960,  
c. 408, s. 26,  
amended

(f) bonds, debentures or other securities issued or guaranteed by the International Bank for Reconstruction and Development established by the Agreement for an International Bank for Reconstruction and Development approved by the *Bretton Woods Agreements Act* (Canada), if the bonds, debentures or other securities are payable in the currency of Canada or the United States of America. Inter-  
national  
Bank for  
Reconstruc-  
tion and  
Develop-  
ment  
R.S.C. 1952,  
c. 19

2. This Act may be cited as *The Trustee Amendment Act*, Short title  
1965.



## CHAPTER 135

**An Act to make uniform the Powers  
of Expropriation Granted to Universities**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:

**1.—(1) This Act applies to,**

Universities  
to which  
Act applies

- (a) University of Toronto;
- (b) Queen's University;
- (c) University of Western Ontario;
- (d) McMaster University;
- (e) Carleton University;
- (f) The University of Waterloo;
- (g) York University;
- (h) Laurentian University of Sudbury;
- (i) Lakehead College of Arts, Science and Technology;
- (j) Trent University;
- (k) University of Windsor;
- (l) Brock University;
- (m) University of Guelph;
- (n) University of Ottawa;
- (o) Waterloo Lutheran University; and
- (p) such other universities as the Lieutenant Governor  
in Council designates.



Idem (2) The Lieutenant Governor in Council may designate universities, other than those referred to in subsection 1, to which this Act shall apply.

Expropria-  
tion **2.**—(1) Notwithstanding any special Act, a university to which this Act applies may, without the consent of the owner or of any person interested therein, other than a municipality or a metropolitan municipality, enter upon, take, use and expropriate all such land, as defined in *The Expropriation Procedures Act, 1962-63*, as it deems necessary for the purposes of the university or of any university or college federated or affiliated with the university.

Application  
of  
1962-63,  
c. 43 (2) *The Expropriation Procedures Act, 1962-63* applies to the expropriation of land under this Act.

Expropria-  
tion  
under this  
Act only (3) No university to which this Act applies shall expropriate land except under this Act.

Commence-  
ment **3.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **4.** This Act may be cited as *The University Expropriation Powers Act, 1965*.

CHAPTER 136

**An Act to amend  
The University of Guelph Act, 1964**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *a* of section 3 of *The University of Guelph Act, 1964* is repealed and the following substituted therefor: 1964, c. 120,  
s. 3, cl. a,  
re-enacted

- (a) the advancement of learning and the dissemination of knowledge, including, without limiting the generality of the foregoing, the advancement of learning and the dissemination of knowledge respecting agriculture; and

. . . . .

**2.** Section 11 of *The University of Guelph Act, 1964* is amended by adding thereto the following clause: 1964, c. 120,  
s. 11,  
amended

- (j) to enter into agreements with the Agricultural Research Institute of Ontario or with the Minister of Agriculture for the purpose of advancing learning and disseminating knowledge respecting agriculture in such manner, on such terms and under such conditions as may be agreed upon from time to time.

**3.** Section 18 of *The University of Guelph Act, 1964* is repealed and the following substituted therefor: 1964, c. 120,  
s. 18,  
re-enacted

18.—(1) Subject to subsection 3, all property that is vested in the Agricultural Research Institute of Ontario and situated on the lands described in the Schedule hereto on the 1st day of September, 1965, and all property heretofore or hereafter granted, conveyed, devised or bequeathed to, or to any person in trust for or for the benefit of, the Federated Colleges of the Department of Agriculture or any of

them,

them, the University or any faculty, school or department thereof or otherwise in connection therewith, subject to any trust affecting the same, are vested in the University.

Certain  
Crown  
property  
vested in  
University

- (2) Subject to subsection 3, all property vested in Her Majesty the Queen in right of Ontario, other than that vested in the University under subsection 1, lying within the boundaries described in the Schedule hereto, on the 1st day of September, 1965, is vested in the University.

Power to  
reserve  
Crown  
property

- (3) The Lieutenant Governor in Council may,
- (a) designate, before the 1st day of January, 1967, real property lying within the boundaries firstly described in the Schedule hereto, not exceeding in total area thirty-five acres, together with all necessary easements for sewers, watermains, lines of electric power, telephone lines and other utilities, and for ingress and egress by vehicles and pedestrians; and
  - (b) designate, before the 1st day of September, 1965, property other than real property situated on the lands described in the Schedule hereto,

and, notwithstanding subsections 1 and 2, the property so designated shall be deemed not to have vested in the University, and thereupon any property so designated shall vest in Her Majesty the Queen in right of Ontario.

Release

- (4) The Lieutenant Governor in Council may, at any time before the 1st day of January, 1967, release any real property referred to in subsection 2, and subsection 3 does not apply to land so released.

1964, c. 120,  
s. 29,  
repealed

4. Section 29 of *The University of Guelph Act, 1964* is repealed.

1964, c. 120,  
amended

5. *The University of Guelph Act, 1964* is amended by adding thereto the following Schedule:

## SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Guelph, and in the Township of Puslinch, both in the County of Wellington, in the Province of Ontario, and being composed of Part of Lots 4, 5, 6, 7 and 8, Concession 1, Lots 6 and 7 and part of Lots 4, 5, 8 and 9, Concession 2, Lots 6 and 7 and part of Lots 8 and 9, Concession 3, part of Lot 9, Concession 4, all in Division "G" in the said Township of Guelph, and Lots 1 to 27 inclusive, Blocks A and B, College Crescent, and Lanes, according to Registered Plan 409, part of Lot 1, according to Registered Plan 283, Lots 6, 7 and 8, according to Registered Plan 378, all in the said Township of Guelph, and part of Lot 1, Concession 7, in the said Township of Puslinch, the boundaries of the said parcels being described as follows: Premising that the bearings are astronomic and are referred to the southerly limit of Lot 9, Concession 2, Division "G", in the said Township of Guelph, having a bearing of north forty-four degrees, eleven minutes east (N. 44° 11' E.) derived from astro-nomic observation (Polaris) and relating all bearings herein thereto.

*Firstly:* Being Lots 6 and 7 and Part of Lots 8 and 9 in Concession 3, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 9, Concession 3; thence north forty-five degrees, twenty-three minutes, thirty seconds west (N. 45° 23' 30" W.) and following the southwesterly limits of the said Lots 9 and 8, one thousand, four hundred and eighty-four and fifty-two one-hundredths feet (1484.52'); thence north forty-five degrees, thirty-four minutes, fifty seconds west (N. 45° 34' 50" W.) and following the southwesterly limits of the said Lots 7 and 6, one thousand, three hundred and fifty-two and eighty-two one-hundredths feet (1352.82') to the most westerly angle of the said Lot 6; thence north forty-four degrees, thirty-six minutes, forty seconds east (N. 44° 36' 40" E.) and following the northwesterly limit of the said Lot 6, one thousand, six hundred and seventy-four and fifteen one-hundredths feet (1674.15'); thence north forty-four degrees, forty-two minutes, forty seconds east (N. 44° 42' 40" E.) and continuing along the said northwesterly limit, one thousand, six hundred and seventy-two and thirty-one one-hundredths feet (1672.31') to the most northerly angle of the said Lot 6, being also a point in the southwesterly limit of Highway 6; thence south forty-five degrees, thirty-six minutes, twenty seconds east (S. 45° 36' 20" E.) and following the said southwesterly limit of Highway 6, one thousand, one hundred and one and ninety-six one-hundredths feet (1101.96'); thence south forty-five degrees, twenty-two minutes, twenty seconds east (S. 45° 22' 20" E.) and continuing along the said southwesterly limit of Highway 6, three hundred and fourteen and eleven one-hundredths feet (314.11'); thence south forty-four degrees, forty-three minutes west (S. 44° 43' W.) seventeen and forty-six one-hundredths feet (17.46') to the southwesterly limit of Highway 6 as widened; thence south forty-five degrees, seventeen minutes, twenty seconds east (S. 45° 17' 20" E.) and following the said widened limit, one thousand and eighty-seven and fifty-one one-hundredths feet (1087.51'); thence continuing along the said widened limit, being a curve to the left, having a radius of one thousand, six hundred and eighty-seven and two one-hundredths feet (1687.02'), an arc distance of two hundred and seventy-one and eighty-seven one-hundredths feet (271.87'), the chord equivalent being a distance of two hundred and seventy-one and fifty-eight one-hundredths feet (271.58') on a bearing of south forty-nine degrees, fifty-four minutes, twenty seconds east (S. 49° 54' 20" E.); thence south forty-five degrees, thirty-five minutes east (S. 45° 35' E.) forty-three and seventy one-hundredths feet (43.70') to a point in the southeasterly limit of the said Lot 9; thence south forty-four degrees, twenty minutes west (S. 44° 20' W.) and following the said southeasterly limit, three thousand, three hundred and forty-eight and fifty-six one-hundredths feet (3348.56'), more or less, to the point of commencement; AND DESIGNATED AS PART 1 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Secondly:* Being Part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 9, Concession 4; thence north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16' 20" E.) and following the south-



easterly limit of the said Lot, seven hundred and thirty-four and sixty-eight one-hundredths feet (734.68'); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56' 40" W.) nine hundred and two and seventy-nine one-hundredths feet (902.79') to a point in the northwesterly limit of the said Lot; thence south forty-four degrees, fifty-three minutes, forty seconds west (S. 44° 53' 40" W.) and following the said northwesterly limit, one hundred and fifty-one and eighty-six one-hundredths feet (151.86'); thence south forty-three degrees, seventeen minutes, twenty seconds west (S. 43° 17' 20" W.) and continuing along the said northwesterly limit, one hundred and ninety and fifty-six one-hundredths feet (190.56'); thence south forty-three degrees, thirty-one minutes, thirty seconds west (S. 43° 31' 30" W.) and continuing along the said northwesterly limit, one hundred and ninety-four and seventy-two one-hundredths feet (194.72'); thence south forty-five degrees, thirty minutes, thirty seconds east (S. 45° 30' 30" E.) four hundred and five and twenty-six one-hundredths feet (405.26'); thence south forty-four degrees, four minutes, twenty seconds west (S. 44° 04' 20" W.) five hundred and forty-four and forty-six one-hundredths feet (544.46') to a point in the southwesterly limit of the said Lot; thence south forty-five degrees, thirty-one minutes, ten seconds east (S. 45° 31' 10" E.) and following the said southwesterly limit, four hundred and twenty-one and thirty-three one-hundredths feet (421.33'), more or less, to the point of commencement; AND DESIGNATED AS PART 2 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Thirdly:* Being part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at a point in the southeasterly limit of the said Lot distant seven hundred and thirty-four and sixty-eight one-hundredths feet (734.68') measured north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16' 20" E.) along the said southeasterly limit from the most southerly angle of the said Lot; thence continuing north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16' 20" E.) and following the said southeasterly limit seventy-one and fifty-eight one-hundredths feet (71.58'); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56' 40" W.) nine hundred and one and ninety-five one-hundredths feet (901.95') to a point in the northwesterly limit of the said Lot; thence south forty-four degrees, fifty-three minutes, forty seconds west (S. 44° 53' 40" W.) and following the said northwesterly limit, seventy-one and twenty-six one-hundredths feet (71.26'); thence south twenty-two degrees, fifty-six minutes, forty seconds east (S. 22° 56' 40" E.) nine hundred and two and seventy-nine one-hundredths feet (902.79'), more or less, to the point of commencement; AND DESIGNATED AS PART 3 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Fourthly:* Being part of Lot 9 in Concession 4, Division "G", in the said Township of Guelph: Commencing at the most easterly angle of the said Lot; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16' 20" W.) and following the southeasterly limit of the said Lot, six hundred and four and sixty-three one-hundredths feet (604.63'); thence north forty-five degrees, nineteen minutes, forty seconds west (N. 45° 19' 40" W.) two hundred and eighty-four and forty one-hundredths feet (284.40'); thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16' 20" W.) one hundred and fifty-three and twenty one-hundredths feet (153.20'); thence south forty-five degrees, nineteen minutes, forty seconds east (S. 45° 19' 40" E.) two hundred and eighty-four and forty one-hundredths feet (284.40') to a point in the said southeasterly limit of the Lot; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16' 20" W.) and following the said southeasterly limit six hundred and seventeen and ninety-one one-hundredths feet (617.91'); thence north forty-four degrees, fifty-six minutes, ten seconds west (N. 44° 56' 10" W.) eight hundred and six and twenty one-hundredths feet (806.20'); thence south forty-three degrees, fifty minutes, forty seconds west (S. 43° 50' 40" W.) four hundred and forty-one feet (441.00'); thence south forty-five degrees, twenty-two minutes east (S. 45° 22' E.) eight hundred and three feet (803.00') to a point in the said southeasterly limit of the Lot; thence south forty-four degrees, sixteen minutes, twenty seconds west (S. 44° 16' 20" W.) and following the said south-



easterly limit, seven hundred and forty-five and sixty-five one-hundredths feet (745.65'); thence north twenty-two degrees, fifty-six minutes, forty seconds west (N. 22° 56' 40" W.) nine hundred and one and ninety-five one-hundredths feet (901.95') to a point in the northwesterly limit of the said Lot; thence north forty-four degrees, fifty-three minutes, forty seconds east (N. 44° 53' 40" E.) and following the said northwesterly limit, fifty-nine and eighty-four one-hundredths feet (59.84'); thence north forty-four degrees, thirty-four minutes, forty seconds east (N. 44° 34' 40" E.) and continuing along the said northwesterly limit, five hundred and eighty-nine and ninety-seven one-hundredths feet (589.97'); thence north forty-four degrees, five minutes, twenty seconds east (N. 44° 05' 20" E.) and continuing along the said northwesterly limit, five hundred feet (500.00'); thence north forty-four degrees, forty-six minutes, forty seconds east (N. 44° 46' 40" E.) and continuing along the said northwesterly limit, one thousand and sixty-two and six one-hundredths feet (1062.06') to a point in the northeasterly limit of the said Lot; thence south forty-five degrees, twenty-three minutes, thirty seconds east (S. 45° 23' 30" E.) and following the said northeasterly limit, eight hundred and nineteen and eighty-six one-hundredths feet (819.86'), more or less, to the point of commencement; AND DESIGNATED AS PART 4 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Fifthly:* Being part of Lots 4 and 5 in Concession 1, Division "G", in the said Township of Guelph: Commencing at the most southerly angle of the said Lot 5; thence north forty-five degrees, five minutes, fifty seconds west (N. 45° 05' 50" W.) and following the southwesterly limit of the said Lot 5, six hundred and seventy-one feet (671.00'); thence north forty-six degrees, nine minutes, fifty seconds west (N. 46° 09' 50" W.) and following the southwesterly limit of the said Lot 4, five hundred and sixteen and forty-three one-hundredths feet (516.43'); thence north forty-three degrees, sixteen minutes, thirty seconds east (N. 43° 16' 30" E.) five hundred and forty-one and thirty-one one-hundredths feet (541.31'); thence north forty-five degrees, fifteen minutes, fifty seconds west (N. 45° 15' 50" W.) one hundred and thirty-six and forty-three one-hundredths feet (136.43'); thence north forty-one degrees, forty-eight minutes east (N. 41° 48' E.) two hundred and twenty-one and eighty-five one-hundredths feet (221.85') to a point in the northwesterly limit of the said Lot 4; thence north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32' 30" E.) and following the said northwesterly limit, nine hundred and twenty-five and fifty one-hundredths feet (925.50'); thence south forty-six degrees, eight minutes, forty seconds east (S. 46° 08' 40" E.) eighty-four and ninety one-hundredths feet (84.90'); thence north thirty-nine degrees, forty-nine minutes, fifty seconds east (N. 39° 49' 50" E.) one thousand and thirty-one and thirty-eight one-hundredths feet (1031.38') to a point in the said northwesterly limit; thence north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32' 30" E.) and following the said northwesterly limit six hundred and thirty-five and four one-hundredths feet (635.04') to a point in the southwesterly limit of the allowance for road between Divisions "C" and "G" in the said Township of Guelph as widened, the said allowance being sometimes known as Victoria Road; thence south forty-five degrees, eighteen minutes, thirty seconds east (S. 45° 18' 30" E.) one thousand, two hundred and ninety-six and fifty one-hundredths feet (1296.50'); thence south zero degrees, twenty-three minutes east (S. 0° 23' E.) seventy and eighty one-hundredths feet (70.80') to a point in the southeasterly limit of the said Lot 5; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32' 30" W.) and following the said southeasterly limit three thousand, two hundred and ninety-six and fifty-seven one-hundredths feet (3296.57'), more or less, to the point of commencement; AND DESIGNATED AS PART 5 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Sixthly:* Being part of Lot 4 in Concession 1, Division "G", in the said Township of Guelph: Commencing at a point in the southwesterly limit of the said Lot, distant five hundred and sixteen and forty-three one-hundredths feet (516.43') measured north forty-six degrees, nine minutes, fifty seconds west (N. 46° 09' 50" W.) along the said southwesterly limit from a point distant six hundred and seventy-one feet (671.00') measured north forty-five degrees, five minutes, fifty seconds west (N. 45°

05' 50" W.) along the southwesterly limit of Lot 5 in Concession 1, Division "G", from the most southerly angle of the said Lot 5; thence north forty-three degrees, sixteen minutes, thirty seconds east (N. 43° 16' 30" E.) five hundred and forty-one and thirty-one one-hundredths feet (541.31'); thence north forty-five degrees, fifteen minutes, fifty seconds west (N. 45° 15' 50" W.) one hundred and thirty-six and forty-three one-hundredths feet (136.43'); thence north forty-one degrees, forty-eight minutes east (N. 41° 48' E.) two hundred and twenty-one and eighty-five one-hundredths feet (221.85') to a point in the northwesterly limit of the said Lot 4; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32' 30" W.) and following the said northwesterly limit seven hundred and sixty-five and twenty one-hundredths feet (765.20') to the most westerly angle of the said Lot 4; thence south forty-six degrees, nine minutes, fifty seconds east (S. 46° 09' 50" E.) along the said southwesterly limit of Lot 4 one hundred and fifty-nine and fifteen one-hundredths feet (159.15'), more or less, to the point of commencement; AND DESIGNATED AS PART 6 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Seventhly:* Being part of Lot 4 in Concession 1, Division "G", in the said Township of Guelph: Commencing at a point in the northwesterly limit of the said Lot, distant one thousand, six hundred and ninety and seventy one-hundredths feet (1690.70') measured north forty-four degrees, thirty-two minutes, thirty seconds east (N. 44° 32' 30" E.) along the said northwesterly limit from the most westerly angle of the said Lot; thence south forty-six degrees, eight minutes, forty seconds east (S. 46° 08' 40" E.) eighty-four and ninety one-hundredths feet (84.90'); thence north thirty-nine degrees, forty-nine minutes, fifty seconds east (N. 39° 49' 50" E.) one thousand and thirty-one and thirty-eight one-hundredths feet (1031.38') to a point in the said northwesterly limit; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S. 44° 32' 30" W.) and following the said northwesterly limit one thousand and twenty-eight and eighty-nine one-hundredths feet (1028.89'), more or less, to the point of commencement; AND DESIGNATED AS PART 7 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Eighthly:* Being Lots 6 and 7 in Concession 2, Part of Lots 8 and 9 in Concession 2, and parts of Lots 6, 7 and 8 in Concession 1, all in Division "G", in the said Township of Guelph, and Lots 1 to 27 inclusive, Blocks A and B, College Crescent and Lanes, all according to Registered Plan 409, in the said Township of Guelph: Commencing at the most westerly angle of the said Lot 6, Concession 2, being also a point in the northeasterly limit of Highway 6; thence south forty-five degrees, thirty-six minutes, twenty seconds east (S. 45° 36' 20" E.) and following the said northeasterly limit one thousand, one hundred and one and seventy-nine one-hundredths feet (1101.79'); thence south forty-five degrees, twenty-two minutes, twenty seconds east (S. 45° 22' 20" E.) and continuing along the said northeasterly limit, three hundred and fourteen and thirty-two one-hundredths feet (314.32'); thence north forty-four degrees, forty-three minutes east (N. 44° 43' E.) sixteen and fifty-four one-hundredths feet (16.54') to a point in the northeasterly limit of the said Highway 6 as widened; thence south forty-five degrees, seventeen minutes, twenty seconds east (S. 45° 17' 20" E.) and following the said limit of Highway 6 as widened, six hundred and ninety-seven and twenty-two one-hundredths feet (697.22'); thence south forty-five degrees, thirty-five minutes east (S. 45° 35' E.) and continuing along the said limit of Highway 6 as widened, six hundred and seventy-three and forty-six one-hundredths feet (673.46'); thence north forty-eight degrees, fifty-seven minutes east (N. 48° 57' E.) two hundred and fifty-seven and seventy-seven one-hundredths feet (257.77'); thence north forty-five degrees, twenty-four minutes, ten seconds east (N. 45° 24' 10" E.) three hundred and four and twenty-seven one-hundredths feet (304.27'); thence south forty-five degrees, seventeen minutes east (S. 45° 17' E.) two and seventy-six one-hundredths feet (2.76') to a point in the southeasterly limit of the said Lot 9, Concession 2; thence north forty-four degrees, eleven minutes east (N. 44° 11' E.) and following the said southeasterly limit, two thousand, four hundred and eighty-one and thirty-five one-hundredths feet (2481.35'); thence north forty-six degrees, fifteen minutes, ten seconds west (N. 46° 15' 10" W.) one thousand, one hundred and forty-five and forty-two one-hundredths

feet (1145.42'); thence north forty-four degrees, thirteen minutes, thirty seconds east (N.  $44^{\circ} 13' 30''$  E.) two thousand and thirty-nine and five one-hundredths feet (2039.05'); thence north forty-four degrees, twenty-two minutes, thirty seconds east (N.  $44^{\circ} 22' 30''$  E.) one thousand, five hundred and eighty-one and seventy-six one-hundredths feet (1581.76') to a point in the southwesterly limit of the allowance for road between Divisions "C" and "G" in the said Township of Guelph as widened, the said allowance being sometimes known as Victoria Road; thence north forty-five degrees, sixteen minutes, thirty seconds west (N.  $45^{\circ} 16' 30''$  W.) along the said limit of Victoria Road as widened, one thousand, five hundred and eighty and twenty-three one-hundredths feet (1580.23'); thence south eighty-nine degrees, thirty-eight minutes west (S.  $89^{\circ} 38'$  W.) seventy and sixty one-hundredths feet (70.60') to a point in the northwesterly limit of the said Lot 6, Concession 1; thence south forty-four degrees, thirty-two minutes, thirty seconds west (S.  $44^{\circ} 32' 30''$  W.) and following the said northwesterly limit, three thousand, two hundred and ninety-six and forty-three one-hundredths feet (3296.43'); thence south forty-four degrees, thirty-seven minutes, twenty seconds west (S.  $44^{\circ} 37' 20''$  W.) and following the northwesterly limit of the said Lot 6, Concession 2, one thousand, two hundred and forty-two and fourteen one-hundredths feet (1242.14'); thence south forty-four degrees, thirty-nine minutes, forty seconds west (S.  $44^{\circ} 39' 40''$  W.) and continuing along the said northwesterly limit of Lot 6, Concession 2, two thousand and eighty-three and twenty-six one-hundredths feet (2083.26'), more or less, to the point of commencement; AND DESIGNATED AS PART 8 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Ninthly:* Being part of Lot 1, Plan 283, in the said Township of Guelph: Commencing at a point in the southeasterly limit of the said Lot, distant ninety-one and fifty one-hundredths feet (91.50') measured south forty-four degrees, forty-two minutes, forty seconds west (S.  $44^{\circ} 42' 40''$  W.) along the said southeasterly limit from the most easterly angle of the said Lot; thence continuing south forty-four degrees, forty-two minutes, forty seconds west (S.  $44^{\circ} 42' 40''$  W.) and following the said southeasterly limit fourteen and fifty one-hundredths feet (14.50'); thence north forty-five degrees, fifty-four minutes, thirty seconds west (N.  $45^{\circ} 54' 30''$  W.) fifty-three feet (53.00'); thence north forty-four degrees, forty-two minutes, forty seconds east (N.  $44^{\circ} 42' 40''$  E.) fourteen and seventy-five one-hundredths feet (14.75'); thence south forty-five degrees, thirty-seven minutes east (S.  $45^{\circ} 37'$  E.) fifty-three feet (53.00'), more or less, to the point of commencement; AND DESIGNATED AS PART 9 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Tenthly:* Being part of Lot 1, Plan 283, in the said Township of Guelph: Commencing at the most easterly angle of the said Lot; thence south forty-four degrees, forty-two minutes, forty seconds west (S.  $44^{\circ} 42' 40''$  W.) and following the southeasterly limit of the said Lot, ninety-one and fifty one-hundredths feet (91.50'); thence north forty-five degrees, thirty-seven minutes west (N.  $45^{\circ} 37'$  W.) fifty-three feet (53.00'); thence north forty-four degrees, forty-two minutes, forty seconds east (N.  $44^{\circ} 42' 40''$  E.) seventy-six and fifty one-hundredths feet (76.50'); thence north forty-five degrees, thirty-seven minutes west (N.  $45^{\circ} 37'$  W.) thirty-five feet (35.00'); thence north forty-four degrees, forty-two minutes, forty seconds east (N.  $44^{\circ} 42' 40''$  E.) fifteen feet (15.00') to a point in the northeasterly limit of the said Lot; thence south forty-five degrees, thirty-seven minutes east (S.  $45^{\circ} 37'$  E.) and following the said northeasterly limit eighty-eight feet (88.00'), more or less, to the point of commencement; AND DESIGNATED AS PART 10 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Eleventhly:* Being part of Lots 4 and 5, Concession 2, Division "G", and Lots 6, 7 and 8, Plan 378, all in the said Township of Guelph: Commencing at a point in the southwesterly limit of said Lot 5, distant three hundred and thirty-five feet (335.00') measured north forty-five degrees, thirty-seven minutes west (N.  $45^{\circ} 37'$  W.) along the said southwesterly limit of Lot 5 from the southerly angle of the said Lot 5; thence north forty-five degrees, thirty-seven minutes west (N.  $45^{\circ} 37'$  W.) and continuing along the southwesterly limit of said Lot 5 and the southwesterly limits of the said Lots 8 and 7, four hundred and sixty-six and thirty one-hun-



dredths feet (466.30') to the westerly angle of said Lot 7, being also a point in the southeasterly limit of MacDonald Avenue; thence north forty-four degrees, thirty-nine minutes east (N. 44° 39' E.) and following the northwesterly limits of the said Lots 7 and 6, one hundred and eighty feet (180.00') to the northerly angle of said Lot 6; thence south forty-five degrees, thirty-seven minutes west (S. 45° 37' W.) and following the north-easterly limits of the said Lots 6 and 8, one hundred and thirty and forty one-hundredths feet (130.40') to the easterly angle of the said Lot 8, being also a point in the limit between the said Lots 4 and 5; thence north forty-four degrees, twenty-eight minutes east (N. 44° 28' E.) and following the said limit between Lots 4 and 5, four hundred and thirty-four and thirty-five one-hundredths feet (434.35'); thence north forty-five degrees, twenty-one minutes west (N. 45° 21' W.) one hundred and twenty-nine feet (129.00') to the said southeasterly limit of MacDonald Avenue; thence north forty-four degrees, thirty-nine minutes east (N. 44° 39' E.) and following the said southeasterly limit of MacDonald Avenue, two hundred and eighteen one-hundredths feet (200.18') to the westerly angle of Lot 7, Registered Plan 416; thence south forty-five degrees, eighteen minutes, thirty seconds east (S. 45° 18' 30" E.) and following the southwesterly limit of the said Lot 7, Plan 416, one hundred and twenty-eight and thirty one-hundredths feet (128.30') to the southerly angle of the said Lot 7, Plan 416, being also a point in the said limit between Lots 4 and 5; thence north forty-four degrees, thirty-four minutes, fifteen seconds east (N. 44° 34' 15" E.) and following the said limit between Lots 4 and 5, five hundred and thirty-four and nineteen one-hundredths feet (534.19'); thence north forty-four degrees, thirty minutes east (N. 44° 30' E.) and continuing along the said limit between Lots 4 and 5, one hundred and seventy-five and sixty-six one-hundredths feet (175.66'); thence south forty degrees, fifty-one minutes, ten seconds east (S. 40° 51' 10" E.) six hundred and seventy-six and fifty-two one-hundredths feet (676.52') to the southeasterly limit of the said Lot 5; thence south forty-four degrees, thirty-nine minutes, forty seconds west (S. 44° 39' 40" W.) and following the said south-easterly limit of Lot 5, one thousand, one hundred and twenty-four and sixty one-hundredths feet (1124.60'); thence north forty-five degrees, thirty-seven minutes west (N. 45° 37' W.) three hundred and thirty-five feet (335.00'); thence south forty-four degrees, thirty-nine minutes, forty seconds west (S. 44° 39' 40" W.) three hundred and forty-three feet (343.00'), more or less, to the point of commencement; AND DESIGNATED AS PART 11 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

*Twelfthly:* Being part of Lot 1 in Concession 7 in the said Township of Puslinch: Commencing at the most northerly angle of the said Lot, being also a point in the southwesterly limit of Highway No. 6; thence south sixty-eight degrees, fifty-one minutes, thirty seconds east (S. 68° 51' 30" E.) and following the said southwesterly limit, sixty-seven and thirty-four one-hundredths feet (67.34'); thence continuing along the said southwesterly limit, being a curve to the left, having a radius of one thousand, six hundred and eighty-seven and two one-hundredths feet (1687.02'), an arc distance of two hundred and forty and seventy-one one-hundredths feet (240.71'), the chord equivalent being a distance of two hundred and forty and fifty one-hundredths feet (240.50') on a bearing of south sixty-four degrees, thirty-four minutes, five seconds east (S. 64° 34' 05" E.); thence south sixty-eight degrees, thirty-nine minutes, twenty seconds east (S. 68° 39' 20" E.) and continuing along the said southwesterly limit, four hundred and thirteen and nineteen one-hundredths feet (413.19'); thence south forty-four degrees, twenty-two minutes, thirty seconds west (S. 44° 22' 30" W.) three thousand, six hundred and sixty-five and ninety-two one-hundredths feet (3665.92'); thence north forty-five degrees, four minutes west (N. 45° 04' W.) six hundred and sixty-eight feet (668.00') to a point in the northwesterly limit of the said Lot; thence north forty-four degrees, sixteen minutes, twenty seconds east (N. 44° 16' 20" E.) and following the said northwesterly limit, one and ninety-four one-hundredths feet (1.94'); thence north forty-four degrees, twenty minutes east (N. 44° 20' E.) and continuing along the said northwesterly limit, three thousand, three hundred and ninety-one and ten one-hundredths feet (3391.10'), more or less, to the point of commencement; AND DESIGNATED AS PART 12 on Department of Public Works, Ontario, Plan of Survey No. 1-24L.

AND SUBJECT TO an easement over the lands herein described under thirdly in favour of The Hydro-Electric Power Commission of Ontario as set out in Instrument No. 12836 registered in the Registry Office for the Registry Division for the South and Centre Riding of the County of Wellington on the 8th January, 1949;

AND SUBJECT TO an easement over the lands herein described as ninthly in favour of The Corporation of the Township of Guelph as set out in Instrument No. 15664 registered in the said Registry Office on the 28th January, 1957;

AND SUBJECT TO a ten-year lease dated 24th March, 1964, in favour of John E. Slinger of the City of Guelph to be computed from the 1st day of February, 1964, over the lands herein described as ninthly and tenthly.

**6.** *The Federated Colleges of the Department of Agriculture Act, 1961-62* is repealed. <sup>1961-62,  
c. 42,  
repealed</sup>

**7.** This Act comes into force on the 1st day of September, <sup>Commence-  
ment</sup> 1965.

**8.** This Act may be cited as *The University of Guelph Amendment Act, 1965*. <sup>Short title</sup>





## CHAPTER 137

## An Act respecting Université d'Ottawa

*Assented to June 22nd, 1965*  
*Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## PART I

1.—(1) The corporation of “The College of Bytown”, which corporation had its name changed to “The College of Ottawa” and further changed to “Université d'Ottawa”, is hereby continued under the name of “Université Saint Paul” in the French language and “Saint Paul University” in the English language and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it may now have, hold, possess and enjoy.

Name  
 Université  
 d'Ottawa  
 changed to  
 Saint Paul  
 University

(2) Where before the passing of this Act the name “University of Ottawa” or “The University of Ottawa” or “Ottawa University” was used by Université d'Ottawa, such name shall for all purposes be taken to have meant Université d'Ottawa.

Former  
 names  
 used by  
 University

(3) Saint Paul University, formerly Université d'Ottawa, has and shall be deemed always to have had, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof.

Property,  
 power to  
 acquire  
 and hold  
 R.S.O. 1960,  
 c. 191

## PART II

2. In this Part,

Interpre-  
 tation

(a) “Board” means the Board of Governors of the University of Ottawa;

(b)

- (b) "Chancellor" means the Chancellor of the University;
- (c) "property" includes real and personal property;
- (d) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (e) "Rector" means the Rector of the University;
- (f) "Senate" means the Senate of the University;
- (g) "teaching staff" includes the professors and associate professors, the assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
- (h) "University" means the University of Ottawa.

University  
incorporated

**3.** The persons named in section 9, and such other persons who may hereafter become members of the Board, are hereby created a body corporate with perpetual succession and a common seal to be known in the French language under the name of "Université d'Ottawa" and in the English language under the name of "University of Ottawa".

Objects of  
University

**4.** The objects and purposes of the University are,

- (a) to promote the advancement of learning and the dissemination of knowledge;
- (b) to further, in accordance with Christian principles, the intellectual, spiritual, moral, physical and social development of, as well as a community spirit among, its undergraduates, graduates and teaching staff, and to promote the betterment of society;
- (c) to further bilingualism and biculturalism and to preserve and develop French culture in Ontario.

Religious  
test not  
required

**5.** No religious test shall be required of any professor, lecturer, teacher, officer, servant or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Faculties  
and schools

**6.** The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

7. The University may grant in all branches of learning any <sup>Degrees</sup> and all university degrees, honorary degrees, diplomas and certificates.

8. The management, discipline and control of the Uni- <sup>Management of University</sup> versity shall be free from the restrictions and control of any outside body, whether lay or religious, and no religious test shall be required of any member of the Board, but such management, discipline and control shall be based upon Christian principles.

9. There shall be a board of governors of the University <sup>Composition of Board</sup> of not more than thirty-two members, consisting of,

(a) the Rector;

(b) the following twelve persons:

George A. Addy,  
Jean-Victor Allard,  
Paul Desmarais,  
Louis-Paul Dugal,  
Mr. Justice Gérard Fauteux,  
Lawrence Freiman,  
James P. Gilmore,  
Aurèle Gratton,  
Ascanio J. Major,  
Leo McCarthy,  
J. Barry O'Brien,  
Marcel Vincent;

(c) four persons appointed by the Lieutenant Governor in Council who, in the first instance, shall be,

John J. Deutsch,  
Roger Duhamel,  
Cecil Morrison,  
Roger Séguin;

(d) two persons appointed by the Senate from among those of its members elected under clause *d* of subsection 1 of section 15;

(e) two persons appointed by the Alumni Association from among its own members;

(f) eight persons appointed by the Council of Administration of Saint Paul University who, in the first instance, shall be,

Jules Bélanger, O.M.I.,  
 Arthur Caron, O.M.I.,  
 Gerald Cousineau, O.M.I.,  
 Sylvio Ducharme, O.M.I.,  
 Jean-Charles Laframboise, O.M.I.,  
 René Lavigne, O.M.I.,  
 Rodrigue Normandin, O.M.I.,  
 Léo-Paul Pigeon, O.M.I.;

- (g) such other persons appointed by the Board for such terms as the Board may determine by by-law.

Board,  
term of  
office,  
method of  
appoint-  
ment

**10.**—(1) No members of the Board, except the Rector, shall be appointed for terms exceeding three years, and all members mentioned in clauses *b* and *g* of section 9 shall be appointed in rotation in such manner as the Board may determine by by-law.

Idem

(2) The Board shall by by-law prescribe the terms of office and the method of retirement of the persons named in clause *b* of section 9, and the terms of office and the method of appointment, replacement and retirement of their successors, and of the persons provided for in clause *g* of section 9.

Re-appoint-  
ment

(3) All members of the Board are eligible for re-appointment.

Removal

(4) After thirty days notice to any member, the Board, by a resolution passed at a meeting at which at least two-thirds of the members of the Board are present, may declare vacant the seat of such member.

Filling of  
vacancies

(5) Where a vacancy on the Board occurs before the term of office for which a member has been appointed or elected has expired, the vacancy shall be filled in the same manner and by the same authority as the member whose membership is vacant was appointed or elected, as the case may be, and the member so appointed or elected shall hold office for the remainder of the term of office of the member whose membership is vacant.

Quorum

(6) Fourteen members of the Board constitute a quorum.

Chairman,  
vice-  
chairman

(7) The Board shall elect from among its members a chairman and a vice-chairman.

Powers of  
Board

**11.** Except in such matters as are assigned by this Act to the Senate and the boards of federated and affiliated colleges and universities, the government, conduct, management and control of the University and of its property, revenues, business and affairs are vested in the Board, and



the Board has all the powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

- (a) to appoint and remove the Rector and the Vice-Rectors;
- (b) to appoint, promote and remove the heads of all faculties and schools, all officers of the University and of the faculties, the teaching staff of the University and all such other officers, clerks, employees, agents and servants as the Board deems necessary or expedient for the purposes of the University, but no person shall be appointed, promoted or removed as head of a faculty or school, as a senior administrative officer or as a member of the teaching staff of the University except on the recommendation of the Rector;
- (c) to fix the number, duties, salaries and other emoluments of officers, members of the teaching staff, agents and servants of the University;
- (d) to appoint an executive committee and such other committees of the Board as it deems advisable, and to delegate to any such committee any of its powers;
- (e) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (f) to make, draw and endorse promissory notes or bills of exchange;
- (g) to hypothecate, pledge or charge any or all the property of the University to secure any money so borrowed or the fulfilment of the obligation incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (h) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

- (i) to provide for the appointment and establishment of such advisory, deliberative or administrative persons, offices and bodies of the University, including a joint committee of the Senate and the Board to discuss matters of mutual concern, as the Board deems advisable, and to fix their respective memberships, powers and duties;
- (j) to make by-laws, rules and regulations in respect of all such matters as may seem necessary or advisable for the government, management, conduct and control of the University.

Chancellor

**12.**—(1) There shall be a Chancellor of the University who shall be appointed by the Board with the concurrence of the Senate and who shall hold office for four years and who is eligible for re-appointment.

Chancellor  
to be  
titular  
head, etc.

(2) The Chancellor shall be the titular head of the University and be accorded the place of honour at commencement exercises and other functions, and, if present, he shall preside at examinations.

Rector to  
be Vice-  
Chancellor

(3) The Rector is Vice-Chancellor of the University and, in the absence of or vacancy in the office of the Chancellor, shall perform the functions of the Chancellor.

Degrees

(4) In the absence of the Chancellor and the Vice-Chancellor, the Senate shall appoint one of its number to confer degrees.

Rector,  
appoint-  
ment and  
tenure

**13.**—(1) There shall be a Rector of the University who shall be appointed by the Board and who, unless otherwise provided by the Board, shall hold office during the pleasure of the Board.

Vice-Rector  
and other  
officers

(2) The Board shall appoint at least two Vice-Rectors and may appoint any other officers who shall have such powers and duties as may be conferred on them by the Board on the recommendation of the Rector, and one Vice-Rector shall act as Rector when the Rector is absent or if there is a vacancy in the office of Rector and, while so acting, he has all the rights, privileges, powers and duties of the Rector.

Rector to  
be chief  
executive

(3) The Rector is the chief executive officer of the University and chairman of the Senate and has supervision over and direction of the academic work and general administration of the University, the teaching staff, officers, servants and students thereof, and has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

**14.** The Secretary shall,Duties of  
Secretary

- (a) be the Secretary of the Board and of the Senate;
- (b) maintain and keep the register or roll of graduates of the University and of those persons who receive honorary degrees;
- (c) sign all University diplomas after the Rector; and
- (d) perform such other duties as may be assigned to him by the Rector or by the Board.

**15.**—(1) There shall be a Senate of the University com-  
posed of, Senate

- (a) the Chancellor;
- (b) the Rector, the Vice-Rectors and the Secretary;
- (c) the dean and the secretary of each faculty, including those of the federated universities, or, in the absence of the dean, the vice-dean;
- (d) one professor or associate professor on the teaching staff of each faculty, including those of the federated universities, elected by the council of each faculty for a term of three years;
- (e) the director of each special school operated by the University but not conducted by any of its organized faculties;
- (f) the head of each federated college and university;
- (g) subject to clause *b* of subsection 1 of section 29 being implemented, the head and the Dean of Studies of St. Patrick's College of the University of Ottawa;
- (h) such other members as the Senate may determine by by-law.

(2) All elected or appointed members of the Senate are  
eligible for re-election or re-appointment. Members  
eligible for  
re-election**16.**—(1) The Rector or, in his absence, the first Vice-  
Rector or, in the absence of both, the second Vice-Rector  
shall preside at all meetings of the Senate. Rector  
or Vice-  
Rector to  
preside at  
meetings

Questions  
to be  
decided by  
vote

(2) All questions before the Senate shall be decided by a majority of the votes of the members present, including the vote of the Rector or other presiding member of the Senate, and, in the case of an equal division of such votes, the Rector or, in his absence, the presiding member at such meeting has an additional or casting vote.

Quorum

(3) A majority of all the members of the Senate constitutes a quorum.

Meetings

(4) The Senate shall meet from time to time, when convened by the Rector, and at such other times as the members of the Senate appoint and at such place in the City of Ottawa as the Rector may choose.

Powers of  
Senate

**17.** The Senate is responsible for the educational policy of the University and, subject to the approval of the Board in so far as the expenditure of funds is concerned, may create, maintain and discontinue such faculties, departments, schools or institutes or establish such chairs as it may determine, may enact by-laws and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

- (a) to control, regulate and determine the educational policy of the University according to Christian principles and its bilingual tradition and character;
- (b) to determine the courses of study and standards of admissions to the University and continued membership therein, and qualifications for degrees and diplomas;
- (c) to deal with all matters arising in connection with the awarding of fellowships, scholarships, bursaries, medals, prizes and other awards;
- (d) to confer the degrees of Bachelor, Master and Doctor, and all other degrees and diplomas in all branches of learning that may appropriately be conferred by a university;
- (e) to confer honorary degrees in any branch of higher learning with the concurrence of the Board;
- (f) to create committees to exercise its powers.

Government  
of faculty

**18.—(1)** Every faculty established by the University shall be governed by a council, which shall consist of the Dean, the Associate Dean, if any, the Vice-Dean, the Secretary and such other members as may be determined by the Senate.



(2) The councils of the faculties may appoint examiners and make by-laws for the good and efficient management of the affairs of the faculty, provided that no such by-law is valid until approved by the Senate with regard to matters of a purely academic nature and by the Board with regard to all other matters. Powers of councils of faculties

**19.** The Board may by by-law, confirmed by the Senate, provide that any college, seminary or university may become federated or affiliated with the University on such terms and for such periods of time as the Senate and the Board may determine. Powers of affiliation

**20.** The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy without licence in mortmain and without limitation as to the period of holding any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof. Property R.S.O. 1960, c. 191

**21.** The property vested in the University and any lands and premises leased to and occupied by the University are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University. Tax exemption

**22.** Real property vested in the University is not liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto. Property of University not liable to be expropriated

**23.** All property vested in the University shall, as far as the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario. Application of statute of limitations

**24.** The property and the income, revenues, issues and profits of all property of the University shall be applied solely to achieving the objects and purposes of the University. Application of property

**25.** The funds of the University not immediately required for its purposes and the proceeds of all property that come to Investment of funds



the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

Audit

**26.** The accounts of the Board shall be audited at least once a year.

Annual  
report

**27.** Upon the request of the Lieutenant Governor in Council, the Board shall submit to him its annual report and shall submit such other reports as he may request from time to time.

### PART III

Saint Paul  
University  
federated

**28.** Saint Paul University, upon the coming into force of this Act, shall become federated with the University of Ottawa, subject to such terms and conditions as may be agreed upon by the two corporations.

St. Patrick's  
College

**29.—**(1) St. Patrick's College, upon the coming into force of this Act, has the option of,

- (a) becoming either federated or affiliated with the University of Ottawa, subject to such terms and conditions as may be agreed upon by the institutions concerned; or
- (b) becoming an integral part of the University of Ottawa, to be known as St. Patrick's College of the University of Ottawa, upon such terms and conditions as may be mutually agreed upon between the University of Ottawa and the administrators of St. Patrick's College as it presently exists, which terms and conditions shall be incorporated in the by-laws of the University of Ottawa with the specific object of ensuring the preservation and development on the present campus of St. Patrick's College of the presently established sections of the Faculty of Arts and of the School of Social Welfare.

Effect on  
University  
undertakings

(2) Nothing in clause *b* of subsection 1 shall be construed to imply that the University of Ottawa is prevented from undertaking any other academic activities on the campus of St. Patrick's College of the University of Ottawa, provided such other activities are not inconsistent with the terms and conditions mentioned in subsection 1 as incorporated in the by-laws of the University of Ottawa.

Existing  
affiliations

**30.** Any other college or institution affiliated with Saint Paul University upon the coming into force of this Act has

the right under this Act of continuing its affiliation with the University of Ottawa through Saint Paul University or of negotiating separate affiliation or federation agreements with the University of Ottawa, or both, as in its discretion it deems meet.

**31.** The University of Ottawa shall grant to all students past and present of Saint Paul University full recognition towards their respective university degrees for all credits and marks awarded by Saint Paul University before this Act came into force, and shall grant degrees in its own name to all of those students who are recommended for degrees by Saint Paul University during the fall convocation for the year 1965.

Students' credits and marks recognized, 1965 degrees

**32.** The University of Ottawa and Saint Paul University, in order to give effect to the intent and purpose of this Act, may make and accept as between themselves such transfers of property upon such terms and for such consideration, including nominal consideration, and subject to such conditions and security for payment, as may be mutually agreed upon.

Transfer of property between universities

**33.** Until the University of Ottawa has organized its Senate, the Senate of Saint Paul University has power to carry out in the name of and on behalf of the Senate of the University of Ottawa its duties, functions and powers as mentioned in section 17, but such power shall not in any event be exercised by the Senate of Saint Paul University after the 31st day of October, 1965.

Saint Paul Senate to act temporarily for University

#### PART IV

**34.** This Act comes into force on the 1st day of July, 1965.

Commencement

**35.** This Act may be cited as *The University of Ottawa Act*, 1965.

Short title



## CHAPTER 138

**An Act to amend  
The University of Toronto Act, 1947**

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 3 of section 8 of *The University of Toronto Act, 1947* is repealed. 1947, c. 112,  
s. 8, subs. 3,  
repealed
- 2.** Section 123 of *The University of Toronto Act, 1947* is repealed. 1947, c. 112,  
s. 123,  
repealed
- 3.** This Act may be cited as *The University of Toronto Amendment Act, 1965*. Short title





## CHAPTER 139

**An Act to amend  
The Used Car Dealers Act, 1964**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Used Car Dealers Act, 1964* is amended by adding <sup>1964, c. 121,  
amended</sup> thereto the following section:

18a. Where in the opinion of the Registrar any person registered under this Act is making false, misleading or deceptive statements in any advertisement, circular, pamphlet or similar material, the Registrar may order the immediate cessation of the use of such material, and any such order shall be reviewable under the appeal provisions of section 16 and subsequent sections hereof. <sup>False  
advertising</sup>

**2.** Section 21 of *The Used Car Dealers Act, 1964* is amended <sup>1964, c. 121,  
s. 21,  
amended</sup> by adding thereto the following clause:

(ga) governing contracts for the sale and purchase of used cars.

**3.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**4.** This Act may be cited as *The Used Car Dealers Amend- <sup>Short title</sup>  
ment Act, 1965*.



CHAPTER 140

An Act to amend The Vital Statistics Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2 and 3 of section 9 of *The Vital Statistics Act* are repealed.

R.S.O. 1960,  
c. 419, s. 9,  
subss. 2, 3,  
repealed
2. Subsection 1 of section 10 of *The Vital Statistics Act* is amended by striking out "in the prescribed form" in the fourth line, so that the subsection shall read as follows:

R.S.O. 1960,  
c. 419, s. 10,  
subs. 1,  
amended
- (1) If the birth of a child has not been registered within one year from the day of the birth, application for the registration of the birth may be made to the Registrar General by the person whose birth has not been registered or by any other person.

Registration  
of birth by  
Registrar  
General
3. Subsection 1 of section 12 of *The Vital Statistics Act* is repealed and the following substituted therefor:

R.S.O. 1960,  
c. 419, s. 12,  
subs. 1,  
re-enacted
- (1) Where a child has been legitimated by the subsequent intermarriage of his parents and,

Registration  
of child  
legitimated  
by sub-  
sequent  
marriage
- (a) the parents of the child;
- (b) where one parent is dead or mentally incapable, the other parent of the child; or
- (c) where both parents are dead or mentally incapable,
- (i) the guardian or person *in loco parentis* of the child, or
- (ii) the child if he is of the age of twenty-one years or more,

completes and certifies the statement required under subsection 1 of section 6, delivers the statement to the Registrar General together with such evidence as to the legitimation as is required by the Registrar General and pays the prescribed fee, the Registrar General shall,

(d) register the birth as if the parents had been married to each other at the time of the birth; and

(e) make a notation on the statement that the registration was made under this section,

and the statement constitutes the registration of the birth.

R.S.O. 1960,  
c. 419, s. 13,  
subs. 5,  
amended

4. Subsection 5 of section 13 of *The Vital Statistics Act* is amended by striking out "officer designated by the regulations" in the second and third lines and inserting in lieu thereof "person making the notation", so that the subsection shall read as follows:

Notation to  
be dated and  
initialled

(5) Every notation made pursuant to this section shall be dated and initialled by the person making the notation.

R.S.O. 1960,  
c. 419, s. 21,  
subs. 5,  
amended

5. Subsection 5 of section 21 of *The Vital Statistics Act* is amended by striking out "as evidence of his having complied with this Act" in the first and second lines and inserting in lieu thereof "for a period of at least two years after the burial", so that the subsection shall read as follows:

Cemetery  
owner to  
retain burial  
permit

(5) The cemetery owner shall retain the burial permit for a period of at least two years after the burial.

R.S.O. 1960,  
c. 419, s. 33,  
subs. 2,  
amended

6.—(1) Subsection 2 of section 33 of *The Vital Statistics Act* is amended by striking out "filed with the substituted registration" in the fourth and fifth lines and inserting in lieu thereof "kept in a separate file and sealed", so that the subsection shall read as follows:

Order  
to be  
attached to  
registration

(2) Where an order is made under subsection 1, the Registrar General shall attach the order to, and cause a notation of the order to be made on, the existing registration, and the existing registration and order shall be kept in a separate file and sealed.

R.S.O. 1960,  
c. 419, s. 33,  
subs. 3,  
re-enacted

(2) Subsection 3 of the said section 33 is repealed and the following substituted therefor:

- (3) Where a substituted registration of birth is made and an application is made for a birth certificate or <sup>Certificates and certified copies</sup> certified copy of registration in respect of the birth, the certificate or certified copy shall be issued having regard to the substituted registration only.

7. Section 50 of *The Vital Statistics Act* is amended by <sup>R.S.O. 1960, c. 419, s. 50, amended</sup> striking out "or sub-registrar and no" in the first line and inserting in lieu thereof "sub-registrar, funeral director or", so that the section shall read as follows:

50. No division registrar, sub-registrar, funeral director <sup>Secrecy</sup> or person employed in the service of Her Majesty shall communicate or allow to be communicated to any person not entitled thereto any information obtained under this Act, or allow any such person to inspect or have access to any records containing information obtained under this Act.

8. This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

9. This Act may be cited as *The Vital Statistics Amendment* <sup>Short title</sup> *Act, 1965*.





## CHAPTER 141

## An Act to amend The Weed Control Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Subsection 1 of section 3 of *The Weed Control Act* is <sup>R.S.O. 1960, c. 427, s. 3, subs. 1, re-enacted</sup> repealed and the following substituted therefor:

(1) Every person in possession of land shall destroy all noxious weeds thereon as often and at such times in every year as necessary, <sup>Duty to destroy noxious weeds</sup>

(a) to prevent the ripening of their seeds;

(b) to prevent the dispersal of,

(i) their pollens, and

(ii) grain rust spores produced on them;  
and

(c) to eliminate their toxic parts.

**2.** Subsection 1 of section 10 of *The Weed Control Act* <sup>R.S.O. 1960, c. 427, s. 10, subs. 1, amended</sup> is amended by striking out "within such period of time as is necessary to prevent the weed seeds from ripening" in the fourth and fifth lines, so that the subsection shall read as follows:

(1) Where an inspector finds noxious weeds or weed seeds on land in the area within his jurisdiction, he may order the person in possession of the land to destroy the noxious weeds or weed seeds. <sup>Order for destruction of weeds</sup>

**3.** Section 13 of *The Weed Control Act* is amended by striking out "nine" in the seventh line and inserting in lieu thereof <sup>R.S.O. 1960, c. 427, s. 13, amended</sup> "ten", so that the section shall read as follows:

Destruction  
of weeds in  
subdivided  
areas

13. Notwithstanding any other provision of this Act, the council of any city, town, village or township, after publication of notice thereof in a newspaper having general circulation in the municipality, may direct any of its inspectors or the county weed inspector to cause the noxious weeds or weed seeds on any subdivided portions of the municipality, and lots not exceeding ten acres whether or not the lots are part of a subdivision, to be destroyed in the manner prescribed in the regulations, and the inspector shall report to the clerk of the municipality the amount of the expenses incurred by him in the discharge of his duties under this section with respect to each parcel of land concerned, and the clerk shall place on the collector's roll of the municipality the amounts so expended against the respective parcels concerned, and such amounts shall be collected in the same manner as taxes under *The Assessment Act*, subject to an appeal to the court of revision of the municipality, in the same manner as for taxes under section 131 of *The Assessment Act*.

R.S.O. 1960,  
c. 23

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Weed Control Amendment Act, 1965*.

## CHAPTER 142

# An Act to amend The Workmen's Compensation Act

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63* and subsections 1, 2 and 3 of section 1 of *The Workmen's Compensation Amendment Act, 1964*, is further amended by adding thereto the following clause:

(ha) "independent operator" means a person who carries on an industry set out in Schedule 1 and who does not employ any workmen for that purpose.

(2) Clause *u* of subsection 1 of the said section 1 is amended by inserting after "brigade" in the sixth line "and includes an independent operator admitted by the Board under section 90a", so that the clause shall read as follows:

(u) "workman" includes a person who has entered into or works under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes a learner and a member of a municipal volunteer fire brigade, and includes an independent operator admitted by the Board under section 90a, but when used in Part 1 does not include an outworker or an executive officer of a corporation.

(3) Subsection 3 of the said section 1, as amended by subsection 3 of section 1 of *The Workmen's Compensation Amendment Act, 1962-63* and subsection 4 of section 1 of *The Workmen's Compensation Amendment Act, 1964*, is further amended by striking out "\$2,000" in the eleventh line and inserting in lieu thereof "\$2,500", so that the subsection shall read as follows:

Volunteer  
fire  
brigades

- (3) For the purposes of this Act, a municipal corporation, commission or board mentioned in subsection 2 shall be deemed to be the employer of a member of a municipal volunteer fire brigade, and such employment shall be deemed to be included in the exercise and performance of the powers and duties of the corporation, commission or board, and it shall yearly, on or before such date as the Board may prescribe or at such other times as the Board may prescribe, notify the Board, specifying the number of volunteers engaged and shall select such amount of coverage for such volunteers, which in no case shall be less than \$2,500 or more than \$6,000 per annum.

R.S.O. 1960,  
c. 437, s. 9,  
amended

- 2.** Section 9 of *The Workmen's Compensation Act* is amended by adding thereto the following subsection:

Exception

- (6a) Subsection 6 does not apply where the employer has supplied a motor vehicle, machinery or equipment on a purchase or rental basis without also supplying workmen to operate such motor vehicle, machinery or equipment.

R.S.O. 1960,  
c. 437, s. 12,  
amended

- 3.** Section 12 of *The Workmen's Compensation Act*, as amended by section 3 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "not exceeding the rate of" in the fifth line and inserting in lieu thereof "at a rate of not less than \$2,500 per annum or more than", so that the section shall read as follows:

Where  
employer  
carried  
on pay  
roll, he and  
dependants  
entitled to  
compensa-  
tion

12. Where compensation is payable out of the accident fund and an employer carries himself on his pay roll or an executive officer of a corporation is carried on the pay roll of the corporation at a salary or wage that the Board deems reasonable, but at a rate of not less than \$2,500 per annum or more than \$6,000 per annum, and it is stated in the pay roll statement furnished to the Board under section 92 that it is desired that such employer or executive officer be included as a workman, and the amount of his salary or wages is shown in such statement and included in the estimate for the year, such employer or executive officer shall be deemed to be a workman within the meaning of this Act and he is or his dependants are entitled to compensation accordingly, but, for the purpose of determining the compensation, his earnings shall not be taken to be more than the amount of his salary or wages as shown by such statement.



4.—(1) Section 43 of *The Workmen's Compensation Act*, <sup>R.S.O. 1960, c. 437, s. 43</sup> as re-enacted by section 6 of *The Workmen's Compensation Amendment Act, 1964*, <sup>(1964, c. 124, s. 6),</sup> is repealed and the following sub-re-enacted stituted therefor:

43. Notwithstanding anything to the contrary in this <sup>Minimum amount of compensation</sup> Part, the amount of compensation to which an injured workman is entitled shall not be less than,

(a) for temporary total disability,

(i) where his average earnings are not less than \$30 a week, \$30 a week, and

(ii) where his average earnings are less than \$30 a week, the amount of such earnings,

and, for temporary partial disability, a corresponding amount in proportion to the impairment of earning capacity; and

(b) for permanent total disability,

(i) where his average earnings are not less than \$150 a month, \$150, and

(ii) where his average earnings are less than \$150 a month, the amount of such earnings, provided that in no case shall such earnings be taken to be less than \$100 a month,

and, for permanent partial disability, a corresponding amount in proportion to the impairment of earning capacity.

(2) Section 43 of *The Workmen's Compensation Act*, as <sup>Application of s. 43</sup> re-enacted by subsection 1, applies to all pension payments accruing on or after the 1st day of July, 1965, whether the accident happened before or after that date and whether the award of compensation was made before or after that date, but nothing in that section entitles any person to claim additional compensation for any period prior to the 1st day of July, 1965.

5. *The Workmen's Compensation Act* is amended by adding <sup>R.S.O. 1960, c. 437, amended</sup> thereto the following section:

90a.—(1) Any independent operator, not being an employer or a workman but performing work of a nature that, if he were a workman, would be within this <sup>Independent operators</sup>

Part,

Part, may be admitted by the Board as being entitled for himself and his dependants to the same compensation as if he were a workman within the scope of this Part.

#### Applications

- (2) An application under this section shall be made in such form and under such conditions as may be prescribed by the regulations.

R.S.O. 1960,  
c. 437, s. 114,  
amended

**6.** Section 114 of *The Workmen's Compensation Act*, as amended by section 11 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by adding thereto the following subsection:

#### Notice of lien

- (4) The lien mentioned in subsection 3 is effective only where notice of the lien has been filed by way of writ of *fieri facias* in the office of the sheriff of the county or district in which the property against which the lien applies is situated and, where land affected is registered under *The Land Titles Act*, a copy of such writ has been transmitted by registered mail or delivered by the sheriff to the proper master of titles.

R.S.O. 1960,  
c. 204

R.S.O. 1960,  
c. 437, s. 122,  
amended

**7.** Section 122 of *The Workmen's Compensation Act*, as amended by section 12 of *The Workmen's Compensation Amendment Act, 1962-63*, is further amended by striking out "\$15" in the seventh line and inserting in lieu thereof "\$30", so that the section shall read as follows:

Assistance  
to peace  
officers  
1953-54,  
c. 51 (Can.)

122. For the purposes of this Act, every person who under clause *b* of section 110 of the *Criminal Code* (Canada) is required to assist in arresting any person or in preserving the peace shall be deemed to be an employee of the Crown in right of Ontario and his average earnings shall be deemed to be the same in amount as his average earnings at his regular employment but in any case not less than \$30 per week and not more than \$6,000 per annum.

R.S.O. 1960,  
c. 437, s. 126,  
re-enacted

**8.** Section 126 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Domestic  
servants,  
etc.

126. This Act does not apply to domestic or menial servants or their employers.

Certain  
permanent  
disability  
pensions  
to be re-  
calculated

**9.** All periodical payments of compensation for permanent disability awarded to workmen for accidents that happened prior to the 1st day of January, 1950, and that accrue after the 1st day of July, 1965, shall be recalculated on the basis of 75 per cent of the workman's average earnings at the time of the accident, and all payments accruing after the 1st day of

July, 1965, shall be increased accordingly, but nothing in this section entitles any workman to claim additional compensation for any period prior to the 1st day of July, 1965.

**10.** This Act comes into force on the 1st day of July, 1965. Commence-  
ment

**11.** This Act may be cited as *The Workmen's Compensation* Short title  
*Amendment Act, 1965.*



CHAPTER 143

The York University Act, 1965

*Assented to June 22nd, 1965  
Session Prorogued June 22nd, 1965*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "Board" means the Board of Governors of York University;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "President" means the President of the University;
- (d) "property" includes real and personal property;
- (e) "real property" includes messuages, lands, tenements and hereditaments, whether corporeal or incorporeal, and any undivided share thereof and any estate or interest therein;
- (f) "Senate" means the Senate of the University;
- (g) "teaching staff" includes professors, associate professors, assistant professors, lecturers, associates, instructors, demonstrators and all others engaged in the work of teaching or giving instruction or in research;
- (h) "University" means York University.

2. York University, its Board, Chancellor, President and Senate, and all other attributes thereof, are hereby continued and, subject to the provisions of this Act, have, hold, possess and enjoy respectively all the rights, powers and privileges that they had at the time of the passing of this Act or that are conferred upon them by this Act.

University  
continued



Appoint-  
ments,  
regulations,  
etc., con-  
tinued

**3.** All appointments, statutes, constitutions and regulations in and affecting the University are hereby continued, subject to the provisions of this Act, and subject also, as to the teaching staff and all officers and employees, to their removal by the University.

Objects

**4.** The objects and purposes of the University are,

- (a) the advancement of learning and the dissemination of knowledge; and
- (b) the intellectual, spiritual, social, moral and physical development of its members and the betterment of society.

Faculties,  
schools, etc.

**5.** The University may establish and maintain faculties, schools, institutes, departments, chairs and courses.

Degrees

**6.** The University may grant in all branches of learning any and all university degrees, diplomas and certificates.

Board

**7.** The Board of Governors of York University shall consist of,

- (a) the Chancellor;
- (b) the President; and
- (c) such number of members, not exceeding thirty, as may be prescribed by the by-laws of the Board, elected for a term of four years in the manner prescribed by the by-laws of the Board.

Chairman

**8.** The Board shall elect from its members a chairman who shall hold office for a term of seven years and who shall be eligible for re-election for one further term.

Declaration  
of vacancies

**9.** After thirty days notice to any member of the Board, the Board may, by resolution passed by at least two-thirds of the members of the Board, declare vacant the seat of such member.

Management  
of Uni-  
versity  
vested in  
Board

**10.** Except as to such matters by this Act specifically assigned to the Senate, the government, conduct, management and control of the University and of its property, revenues, expenditures, business and affairs are vested in the Board, and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University, including, without limiting the generality of the foregoing, power,

(a)

- (a) to appoint and remove the Chancellor;
- (b) to appoint and remove the President and the vice-presidents, if any;
- (c) to appoint, promote and remove all members of the teaching and administrative staffs of the University and all such other officers and employees as the Board may deem necessary or advisable for the purposes of the University, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted or removed except on the recommendation of the President, who shall be governed by the terms of the University's commitments and practices;
- (d) to fix the number, duties, salaries and other emoluments of officers, agents and employees of the University;
- (e) to appoint an executive committee and such other committees as it may deem advisable, to fix the quorum for meetings of such committees and to give or withhold from the chairmen thereof a casting vote, and to delegate to any such committee any of the powers of the Board;
- (f) to borrow money on the credit of the University in such amount, on such terms and from such persons, firms or corporations, including chartered banks, as may be determined by the Board;
- (g) to make, draw and endorse promissory notes or bills of exchange;
- (h) to hypothecate, pledge, charge or mortgage any part or all of the property of the University to secure any money so borrowed or for the fulfilment of the obligations incurred by it under any promissory note or bill of exchange signed, made, drawn or endorsed by it;
- (i) to issue bonds, debentures and obligations on such terms and conditions as the Board may decide, and pledge or sell such bonds, debentures and obligations for such sums and at such prices as the Board may decide, and mortgage, charge, hypothecate or pledge all or any part of the property of the University to secure any such bonds, debentures and obligations;

(j)

- (j) to make by-laws and regulations for the conduct of the affairs of the Board, including the fixing of a quorum, the election of its members, and the filling of vacancies;
- (k) to establish faculties, schools and institutes with the concurrence of the Senate.

**Senate,  
composition**

**11.** There shall be a Senate of the University composed of,

- (a) the Chancellor;
- (b) the chairman of the Board;
- (c) the President;
- (d) the Principal of Glendon College;
- (e) the dean of each faculty;
- (f) the Dean of Atkinson College;
- (g) the Director of Libraries;
- (h) the vice-presidents of the University;
- (i) the chairmen of faculty departments and divisions;
- (j) not fewer than two and not more than four members of the Board; and
- (k) such numbers of other persons as the Senate may determine,

provided that full-time members of the teaching staff shall always constitute a majority of the members of the Senate.

**Powers of  
Senate**

**12.** The Senate is responsible for the academic policy of the University and may recommend to the Board the establishment of faculties, schools, institutes and departments, and the establishment of chairs, and may establish councils in the faculties, schools or institutes established, and may enact by-laws, rules and regulations for the conduct of its affairs, and, without limiting the generality of the foregoing, has power,

- (a) to consult with the Board and to make recommendations as to the appointment of the Chancellor and the President;

(b)

- (b) to determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study, and the requirements for graduation;
- (c) to conduct examinations and appoint examiners;
- (d) to deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards for academic achievement;
- (e) to confer the degrees of Bachelor, Master and Doctor and all other degrees, diplomas and certificates in all branches of learning that may appropriately be conferred by a University;
- (f) after consultation with the Board, to confer honorary degrees.

**13.**—(1) There shall be a President of the University who shall be appointed by the Board after consultation with the Senate and who shall hold office during the pleasure of the Board. President

(2) The President is Vice-Chancellor and chief executive officer of the University and, Powers and duties of President

- (a) in the absence of the Chancellor or if there is a vacancy in the office of Chancellor, shall perform the functions of the Chancellor;
- (b) shall supervise and direct the implementation of the educational policy and general administration of the University, the teaching staff, officers, servants and the students thereof;
- (c) has power to formulate and implement regulations governing the conduct of students and student activities;
- (d) has power to recommend to the Board the appointment, promotion and removal of the teaching staff, officers and employees of the University;
- (e) has power to recommend to the Board or the Senate the establishment of new faculties, schools, institutes, programmes and projects;
- (f) has power to examine all the activities of the University and developments in higher education;

(g)



- (g) has power to recommend to the Board or the Senate regulations to govern the activities of the faculties, schools, institutes, teaching staff and students;
- (h) has power to establish presidential committees to study and to recommend action on matters affecting the University;
- (i) has such other powers and duties as from time to time may be conferred upon or assigned to him by the Board.

Vice-  
Presidents

(3) The Board may appoint one or more vice-presidents who shall have such powers and duties as may be conferred on him or them by the President, and one vice-president shall act as President when the President is absent or if there is a vacancy in the office of President and, while so acting, he has all the powers and duties of the President.

Chancellor

**14.** There shall be a Chancellor of the University appointed by the Board, after consultation with the Senate, who shall be the titular head of the University, who shall confer all degrees and who, subject to the will of the Board, shall hold office for three years or until his successor is appointed.

Religious  
tests not  
required

**15.** No religious test shall be required of any professor, lecturer, teacher, officer, employee or student of the University, nor shall any religious observances according to the regulations of any particular denomination or sect be imposed upon them.

Property

R.S.O. 1960,  
c. 191

**16.** The University has, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require, and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust  
property  
vested in  
University

**17.** All property heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the University, or of any faculty, school or department thereof or otherwise in connection therewith, subject to any trust or trusts affecting the same, is vested in the University.

Tax  
exemption

**18.** The property vested in the University and any lands and premises leased to and occupied by the University shall not be liable to taxation for provincial, municipal or school

purposes,



purposes, and shall be exempt from every description of taxation so long as the same are actually used and occupied for the purposes of the University.

**19.** Real property vested in the University is not liable <sup>Property not liable to be expropriated</sup> to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred shall extend to such property unless in the Act conferring the power it is made in express terms to apply thereto.

**20.** All property vested in the University shall, as far as <sup>Application of statute of limitations</sup> the application thereto of any statute of limitations is concerned, be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

**21.** The property and the income, revenues, issues and <sup>Application of property</sup> profits of all property of the University shall be applied solely to achieving the objects and purposes of the University.

**22.** The funds of the University not immediately required <sup>Investment of funds</sup> for its purposes and the proceeds of all property that come to the hands of the Board, subject to any trust or trusts affecting the same, may be invested and re-invested in such investments as the Board deems meet.

**23.** The University has power and capacity to affiliate <sup>Powers of affiliation</sup> with, or take into affiliation or federate with, other universities, colleges and institutions of learning on such terms and for such periods of time as the Board, after consultation with the Senate, may determine.

**24.** The accounts of the University shall be audited at <sup>Audit</sup> least once a year.

**25.** Upon the request of the Lieutenant Governor in <sup>Annual report</sup> Council, the University shall submit to him its annual report and shall submit such other reports as he may request from time to time.

**26.** *The York University Act, 1959* is repealed.

1959, c. 145,  
repealed

**27.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**28.** This Act may be cited as *The York University Act*, <sup>Short title</sup> 1965.



PART II  
PRIVATE ACTS  
Chapters 144 to 176



CHAPTER 144

An Act respecting the City of Belleville

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of Belleville <sup>Preamble</sup>  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** For the year 1966 and thereafter, the council of The <sup>Composition</sup>  
Corporation of the City of Belleville shall consist of a mayor <sup>of council</sup>  
and ten aldermen to be elected by general vote.

**2.—(1)** All members of the council for the year 1965 shall <sup>Term of</sup>  
cease to hold office at the end of the year 1965. <sup>office, 1965</sup>  
<sup>council</sup>  
<sup>members</sup>

(2) At the election next after this Act comes into force and <sup>Election</sup>  
every two years thereafter, there shall be elected a mayor and  
ten aldermen, who shall remain in office for a two-year term.

**3.** For the purposes of subsections 6 and 7 of section 53 of <sup>Application</sup>  
*The Municipal Act*, a by-law shall be deemed to have been <sup>of</sup>  
passed under subsection 1 of that section on the day this Act <sup>R.S.O. 1960,</sup>  
comes into force providing for biennial elections. <sup>c. 249, s. 53,</sup>  
<sup>subss. 6, 7</sup>

**4.** The following are repealed: <sup>Repeal:</sup>

1. <i>The City of Belleville Act, 1959.</i>	1959, c. 149
2. <i>The City of Belleville Act, 1962-63.</i>	1962-63, c. 110

**5.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**6.** This Act may be cited as *The City of Belleville Act, 1965.* <sup>Short title</sup>





## CHAPTER 145

## An Act respecting the Town of Burlington

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Town of Burlington Preamble  
 by its petition has prayed for special legislation in  
 respect of the matters hereinafter set forth; and whereas it is  
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Judge" means the judge or junior judge of the  
 county court of the County of Halton;
- (b) "Town" means The Corporation of the Town of  
 Burlington.

**2.** Subsection 3 of section 405 of *The Municipal Act* applies Mileage  
allowance  
R.S.O. 1960,  
c. 249  
 to the council of the Town as if it were the council of a county  
 or township.

**3.** The council of the Town may, by by-law, establish a Harbour  
patrol  
 force to patrol its harbours and waterfront for the purpose of  
 ensuring the safety of persons using small boats, may appoint  
 a committee to manage the force and may make grants of  
 money to meet the expenses thereof.

**4.**—(1) The bus franchise agreement set forth as the Bus  
franchise  
agreement  
confirmed  
 Schedule hereto is hereby ratified and confirmed and declared  
 to be legal, valid and binding from the 31st day of December,  
 1964.

(2) Clauses *c* and *d* of paragraph 88 of subsection 1 of Application  
of  
R.S.O. 1960,  
c. 249, s. 379,  
subs. 1,  
par. 88  
 section 379 of *The Municipal Act* apply *mutatis mutandis* to  
 the bus franchise agreement referred to in subsection 1.

(3) The Town, its successors and assigns, shall indemnify Liability  
upon  
termination  
of bus  
franchise  
 and save harmless The Corporation of the City of Hamilton,  
 The Hamilton Transit Commission, The Hamilton Street

Railway

Railway Company and The Canada Coach Lines Limited, and their respective successors and assigns, from any liability that may be imposed upon them or any of them to compensate Cecil H. Norton, his heirs, executors, administrators or assigns, for the value of the bus franchise referred to in subsection 1 upon termination thereof prior to its expiration.

Assessment  
of private  
drain  
connections  
R.S.O. 1960,  
c. 223

5. Notwithstanding subsection 4 of section 3' of *The Local Improvement Act*, where the width of a street exceeds sixty-six feet, the amount to be assessed against each lot in respect of each private drain connection, whether for sanitary, storm or combined sewage, not exceeding six inches in diameter, installed in the Town shall not exceed the cost of such a private drain connection thirty-three feet in length, and the cost of the part of such a private drain in excess of thirty-three feet in length shall be part of the Town's portion of the cost.

Licensing  
and  
regulating  
untravelling  
portions of  
highways  
R.S.O. 1960,  
c. 296

6. The Town is authorized to license and regulate the use of untravelled portions of the highways within any area of the Town, designated as a commercial or industrial area pursuant to the provisions of *The Planning Act*, for such consideration and upon such terms and conditions as may be agreed upon.

Deposit  
re damage to  
sidewalks,  
etc., upon  
issue of  
building  
permit

7.—(1) The council of the Town may pass by-laws for regulating the crossing of curb-lines, sidewalks or paved boulevards by vehicles delivering materials to or removing materials from abutting lands on which any building is being erected, altered or repaired, and for requiring the owners of such abutting lands, upon any application for the issuing of a permit certifying to the approval of plans of buildings to be erected, altered or repaired thereon, to pay to the Town a sum of money not to exceed \$5 per foot of the limit of the lot abutting directly on such sidewalk, curbing or paved boulevard as a deposit to meet the cost of repairing any damage to the sidewalk, curbing or paved boulevard or to any water service box or other service therein caused by the crossing thereof by such vehicles.

Refund

(2) Where a by-law passed under this section requires the payment of a deposit to cover the cost of damage to a sidewalk, curbing or paved boulevard, or to any water service box or other service therein, the by-law shall provide that, upon the completion of the erection, alteration or repair of the building or buildings on the lands abutting such sidewalk, curbing or paved boulevard and upon application by the person by whom the deposit was paid, the amount by which the sum deposited exceeds the cost of such repairs shall forthwith be refunded.

(3) Where any moneys heretofore or hereafter paid to the Town to cover the cost of repairs to curbings, sidewalks or paved boulevards or to any water service box or other service therein remain unclaimed in the hands of the treasurer of the Town for a period of six years, the treasurer of the Town may insert in any newspaper having general circulation in the Town a notice containing a list of such unclaimed moneys and stating that all persons having any claim to any of such moneys are required to prove their claims within ninety days from the publication of the notice, and, upon the expiration of ninety days from the publication of such notice, the treasurer of the Town may transfer all of such moneys against which no claim has been made to the general funds of the Town free of and from any and all claims of any kind whatsoever.

Unclaimed  
deposits

8. Where farm lands containing not fewer than five acres and used exclusively for farm purposes were specially assessed prior to the 1st day of January, 1965, with a special rate per foot frontage imposed under *The Local Improvement Act* in respect of the owner's portion of the cost of construction of watermains or sanitary sewers, the owners of such farm lands are relieved of, and such farm lands are exempt from, the special assessments referable to such frontage in excess of 100 feet falling due in each year up to and including 1964, provided such farm lands were used exclusively for farm purposes on the date the special assessments were imposed.

Exemption  
from special  
rate re  
farm lands  
in excess  
of 100 feet  
R. S. O. 1960,  
c. 223

9.—(1) Where farm lands referred to in section 8 continue to be used for farm purposes on and after the 1st day of January, 1965, and contain not fewer than five acres, the Town shall pass by-laws postponing the payment of all or any part of such special rate per foot frontage in excess of 100 feet until such time as the land ceases to be used exclusively as farm land.

By-laws  
postponing  
special  
rate

(2) When the land in the opinion of the council of the Town ceases to be used exclusively as farm land, the amount of any special rate that has been postponed shall become due and payable forthwith upon demand by the Town.

When  
postponed  
rates  
become due

(3) The clerk of the Town shall forthwith give notice by registered mail to the owner of lands affected by a by-law passed under subsection 1 of any demand made under subsection 2.

Notice

(4) When the council refuses to pass a by-law under subsection 1 in respect of any land on the application of the owner of such land, the clerk shall forthwith give notice of the refusal to the owner by registered mail.

Refusal  
of town  
to pass  
by-law



## Appeal

(5) Any person complaining that a by-law passed under subsection 1 does not sufficiently exempt him, or that a demand made under subsection 2 should not have been made, or that his application for a by-law under subsection 1 should not have been refused, may within fourteen days after the mailing of the notice notify the clerk of the Town of his intention to appeal to the Judge, and subsections 3, 4, 5, 6 and 7 of section 37 of *The Assessment Act* apply *mutatis mutandis* to such appeals.

R.S.O. 1960,  
c. 23

Records to  
be kept by  
treasurer

(6) The treasurer of the Town shall keep a record of the local improvement rates in respect of which a by-law has been enacted postponing all or any part of a special rate per foot frontage in excess of 100 feet and the amount of such rates that is paid in each year.

Registration  
of by-laws

(7) Every by-law postponing the payment of all or any part of such special rate per foot frontage in excess of 100 feet shall be registered against the land affected in the appropriate registry or land titles office.

Registration  
of certificates  
of payment

(8) Where a by-law postponing the payment of all or any part of a special rate per foot frontage has been registered under subsection 7 and the whole of such special rate per foot frontage has been paid to the Town in respect of a particular parcel of land affected by the by-law, the Town shall register a certificate of such payment against such land in the appropriate registry or land titles office.

Cancellation  
of special  
assessments

**10.**—(1) Where in the opinion of the council of the Town, as evinced by a declaratory resolution passed by a majority of two-thirds of all the members of the council, it would not be possible or practical for the owners of lands on the north side of the Lakeshore Highway to connect their lands to the sanitary sewer installed on the south side of such highway pursuant to By-law No. 1625 of the Township of Nelson, the council may, by by-law, cancel the special assessments made against such owners by the said By-law No. 1625.

Charged to  
improvement  
area

(2) Any special assessment so cancelled shall be charged to the improvement area of the Town.

Refund  
of special  
assessment

(3) Any special assessment so cancelled which has been paid may be refunded by the Town.

Cancellation  
of taxes

**11.** The Town may, by by-law, cancel the taxes, except local improvement rates, levied in 1963 and 1964 against the property known as St. Mary's Parish Hall except such part thereof as was in such years used for residential purposes.



**12.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent.<sub>ment</sub>

**13.** This Act may be cited as *The Town of Burlington* <sup>Short title</sup>  
*Act, 1965.*

## SCHEDULE

AGREEMENT made as of the 31st day of December, A.D. 1964,

BETWEEN:

CECIL H. NORTON, of the Town of Burlington, in the  
County of Halton,  
hereinafter called the "Operator",

OF THE FIRST PART,

— and —

THE CORPORATION OF THE TOWN OF BURLINGTON,  
hereinafter called the "Corporation",

OF THE SECOND PART.

WHEREAS the Operator desires to operate and maintain a bus service in the Town of Burlington;

AND WHEREAS the Council of the Corporation of the Town of Burlington pursuant to the provisions of *The Municipal Act*, R.S.O. 1960, cap. 249, is prepared to grant the right to do so to Cecil H. Norton in the terms hereafter set forth;

WITNESSETH in consideration of the premises and mutual covenants hereinafter set forth, the parties hereto covenant and agree as follows:

1. The Corporation grants to the Operator an exclusive right, power and privilege, subject to the restrictions, covenants, conditions and provisos herein contained, to operate public vehicles for the transportation for compensation of passengers, or passengers and express freight which might be carried in a passenger vehicle, to, over and along each and any of the streets, avenues or highways presently or as they may hereafter exist within the corporate limits of the Town of Burlington.

2. Nothing in the preceding paragraph, or in this agreement elsewhere contained, shall derogate from any of the rights, powers and privileges as of the 1st day of January, 1958, existing or vested on that date in any other operator respecting,

- (a) the operation of motor vehicles as public vehicles within the meaning of *The Public Vehicles Act* of Ontario within or through the Town of Burlington determined according to operating licences held by such other operator issued pursuant to *The Public Vehicles Act*, or
- (b) the right of any such other operator to take on passengers and their baggage, or express freight, within the limits of the Town of Burlington, as such limits may from time to time exist, and discharge such passengers, baggage or express freight within such limits of the Town of Burlington.

The said operators and their respective routes as of the 1st day of January, 1958, are shown in Appendix "A" attached hereto and forming part hereof.

3. The Operator covenants and agrees that he will, at all times, during the currency of this agreement continue to operate a bus service within the Town of Burlington.

4. Upon request of the Operator, the Corporation will designate certain areas upon any route, over which the Operator operates a service, as areas for the use of the Operator to pick up and discharge passengers. The location and number of such areas shall be in the discretion of the Corporation, and the use of such areas shall not be exclusive to the Operator where any other operator, as mentioned in Section 2, uses the same route.

5. The Corporation reserves the right to designate which streets, avenues and highways within the corporate limits of the Town of Burlington shall be used as a route by the Operator, and nothing herein shall be construed as in any way interfering with the right of the Corporation to designate streets as one-way streets, to close or open streets, or to pass by-laws dealing with streets in any respect as heretofore.

6. The Corporation covenants and agrees that it will not permit any other operator, subject to the provisions of Section 2 hereof, to operate a bus service for the carrying of passengers for compensation within the Town of Burlington, and will pass such by-laws and do all such acts and things as are necessary for the due performance of this agreement, according to its true intent and meaning.

7. The Operator covenants and agrees that the fares charged as at November 3, 1961, shall be continued without change except upon application to and approval of the Council of the Corporation.

8. The Operator covenants and agrees that the time schedules in effect as at November 3, 1961, shall be continued without change except upon application to and approval of the Council of the Corporation.

9. The Operator covenants and agrees to file proof annually of insurance coverage for the ensuing year on the following basis:

Passenger hazard, public liability  
and property damage. . . . . \$ 500,000.00 inclusive

10. The Parties hereto agree that, in the event that the Operator applies to the Corporation for a subsidy in the operation of its service under this agreement, this agreement shall, at the option of the Corporation exercised by notice in writing, be terminated and for all purposes be null and void.

11. This agreement shall enure to the benefit of the Parties hereto, their heirs, assigns, and successors, for a term of ten years from the date hereof.

12. This agreement shall not take effect unless confirmed by the Legislative Assembly of the Province of Ontario but if so confirmed shall have effect from its date.

IN WITNESS WHEREOF the Operator has hereunto set his hand and seal and the Corporation has hereunto caused its Corporate Seal to be attested by its proper officers in that behalf.

CECIL H. NORTON.

THE CORPORATION OF THE TOWN  
OF BURLINGTON:

OWEN F. MULLIN,  
*Mayor.*

WM. K. SIMS,  
*Clerk.*

## Appendix "A"

ATTACHED TO BY-LAW No. 2441

ROUTES EFFECTIVE: 1st JANUARY, 1958 AS UNDER:

OPERATOR	ROUTE
Gray Coach Lines Ltd. ....	(1) <i>Toronto—Buffalo via Queen Elizabeth Way</i> Queen Elizabeth Way, Plains Road East, Brant Street, Lakeshore Road, Beach Boulevard.
	(2) <i>Mimico—Buffalo via Lake Shore Road</i> Lake Shore Road, Beach Boulevard.
	(3) <i>Toronto—Hamilton via Lake Shore Road</i> Lake Shore Road, North Shore Boulevard E., King Road, Plains Road East and Plains Road West.
	(4) <i>Toronto—Hamilton via Queen Elizabeth Way</i> Queen Elizabeth Way, Plains Road East and Plains Road West.
	(5) <i>Toronto—Hamilton via No. 5 and No. 6 Highways</i> Dundas Street, Number 6 Highway.
Hamilton Street Railway Co. ....	(1) <i>Hamilton—Fisher's Corners via Queen Elizabeth Way</i> No. 2 Highway, Lake Shore Road, Brant Street, Plains Road East, Queensway Drive, Guelph Line, New Street, Martha Street, James Street, John Street, No. 2 Highway, Lake Shore Road and Beach Boulevard.

Appendix "A"—Continued  
ATTACHED TO BY-LAW NO. 2441

ROUTES EFFECTIVE: 1st JANUARY, 1953 AS UNDER:

OPERATOR	ROUTE
Canada Coach Lines Limited.....	(1) <i>Route 14—Hamilton—Guelph</i> via No. 6 Highway.
	(2) <i>Route 16—Hamilton—Milton</i> Plains Road West, Plains Road East, Brant Street, Lake Shore Road, John Street, James Street, New Street, Guelph Line, Dundas Street.
	(3) <i>Route 15—Hamilton—Waterdown</i> Plains Road West, Waterdown Road.
	(4) <i>Unscheduled Routes</i>  (a) Hamilton—Waterdown via Snake Road.  (b) Hamilton—LaSalle Park via Plains Road West and LaSalle Park Road.  (c) Hamilton—Hidden Valley Park via Plains Road West, Howard Road and Hidden Valley Road.





## CHAPTER 146

# An Act respecting the Canadian National Exhibition Association

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) Clause *a* of subsection 2 of section 5 of *The Canadian National Exhibition Association Act, 1948*, as amended by section 1 of *The Canadian National Exhibition Association Act, 1956*, is further amended by striking out “the said city, all other” in the third line and inserting in lieu thereof “The Municipality of Metropolitan Toronto, all” and by striking out “in the Greater Toronto area” in the sixth line, so that the clause shall read as follows: 1948, c. 105,  
s. 5, subs. 2,  
cl. *a*,  
amended

- (a) the Mayor of the City of Toronto, all other members *ex officio*  
members of the council of the said City, the Chief Constable of The Municipality of Metropolitan Toronto, all permanent heads of civic departments appointed by the said council, the Chairman of the Council of The Municipality of Metropolitan Toronto, and the respective heads of the councils of the following municipalities:

the Town of Mimico,  
the Town of New Toronto,  
the Town of Weston,  
the Town of Leaside,  
the Village of Swansea,  
the Village of Long Branch,  
the Village of Forest Hill,  
the Township of Etobicoke,

the

the Township of York,  
the Township of North York,  
the Township of East York, and  
the Township of Scarborough,

all of whom shall be *ex officio* members of the Association.

1948, c. 105,  
s. 5, subs. 2,  
cl. b,  
amended

(2) Clause *b* of subsection 2 of the said section 5 is amended by striking out "The Toronto Transportation Commission" in the fourth line and inserting in lieu thereof

"The Parking Authority of Toronto,  
The City of Toronto Planning Board,  
The Toronto Transit Commission",

so that the clause shall read as follows:

appointed  
members

(b) two representatives from The Board of Education for the City of Toronto and one representative of each of the following bodies:

The Parking Authority of Toronto,  
The City of Toronto Planning Board,  
The Toronto Transit Commission,  
Toronto Electric Commissioners, and  
The Toronto Harbour Commissioners,

such representatives to be named and appointed annually in the month of January, by the said several bodies; and

. . . . .

1948, c. 105,  
s. 5, subs. 3,  
cl. b,  
re-enacted

(3) Clause *b* of subsection 3 of the said section 5, as amended by subsection 3 of section 1 of *The Canadian National Exhibition Association Amendment Act, 1949*, is repealed and the following substituted therefor:

appointed  
members

(b) fifteen representatives from the Canadian Manufacturers' Association, at least three of whom shall be non-residents of Toronto, whose principal businesses are located outside Toronto; five representatives from the Board of Trade of Metropolitan Toronto; four representatives from the Toronto and District Labour Council, and one representative from each of the following:

Academy of Medicine, Toronto,  
Art Gallery of Toronto,  
Association of Professional Engineers of Ontario,

Canadian Association of Broadcasters,  
 Canadian Chamber of Commerce,  
 Canadian Construction Association,  
 Canadian Daily Newspaper Publishers' Association,  
 Canadian Electrical Manufacturers' Association,  
 Canadian Gas Association,  
 Canadian Weekly Newspapers' Association,  
 Commercial Travellers' Association of Canada,  
 Consumers' Association of Canada,  
 Electronic Industries Association of Canada,  
 Imperial Order Daughters of the Empire—National Chapter,  
 Metropolitan Toronto Convention & Visitor Association,  
 Metropolitan Toronto Industrial Commission,  
 Oil Heating Association of Canada,  
 Ontario Association of Architects,  
 Ontario Society of Artists,  
 Royal Canadian Academy of Arts,  
 Royal Conservatory of Music of Toronto,  
 The Canadian Society of Graphic Arts,  
 The Council of The Corporation of the County of York,  
 The Hydro-Electric Power Commission of Ontario,  
 The National Council of Women of Canada,  
 The Retail Merchants Association of Canada,  
 The York Pioneer and Historical Society,  
 Toronto Camera Club,  
 Toronto Construction Association,

such representatives to be named and appointed by such bodies at their annual meetings for the election of officers, and, in the case of The Hydro-Electric Power Commission of Ontario, to be appointed annually; and

. . . . .

(4) Subsection 4 of the said section 5 is repealed and the following substituted therefor: 1948, c. 105,  
s. 5, subs. 4,  
re-enacted

(4) The Agriculture Section shall consist of, Agriculture  
Section

(a) the Director of the Central Experimental Farm, the Director of Canadian National Livestock Records, the Director of Production and Marketing and the Veterinary Inspector General, of the Canada Department of Agriculture; the Minister of Agriculture of the Province of Ontario and the Deputy Minister
 *ex officio*  
members

of Agriculture,

of Agriculture, the Assistant Deputy Minister (Administration), the Assistant Deputy Minister (Services), the Live Stock Commissioner, the Commissioner of Marketing, the Director of Extension, the Director of the Soils and Crops Branch, the Director of the Agricultural and Horticultural Societies Branch, the Director of the Home Economics Division, the Director of the Veterinary Services Branch and the Dairy Commissioner, of the Ontario Department of Agriculture; and the Dean of Agriculture and the Dean of Veterinary Science, of the University of Guelph; all of whom shall be *ex officio* members of the Association;

appointed  
members

(b) one representative from each of the following:

Ayrshire Breeders' Association of Canada,  
 Canadian Aberdeen-Angus Association,  
 Canadian Avicultural Society,  
 Canadian Belgian Horse Association,  
 Canadian Council on 4-H Clubs,  
 Canadian Hereford Association,  
 Canadian Hackney Horse Society,  
 Canadian Hunter and Light Horse Improvement Society,  
 Canadian National Cat Club,  
 Canadian Percheron Association,  
 Canadian Pigeon Fanciers Association,  
 Canadian Pony Society,  
 Canadian Sheep Breeders' Association,  
 Canadian Standard Bred Horse Society,  
 Canadian Swine Breeders' Association,  
 Canadian Thoroughbred Horse Society,  
 Clydesdale Horse Association of Canada,  
 Dairymen's Association of Western Ontario,  
 Dominion Rabbit and Cavy Breeders Association,  
 Eglinton Hunt Club,  
 Gardeners' and Florists' Association of Ontario,  
 Greater Toronto Poultry and Pet Stock Association,  
 Junior Farmers' Association of Ontario,  
 Ontario Association of Agricultural Societies,  
 Ontario Beekeepers' Association,  
 Ontario Cattle Breeders' Association,

Ontario



Ontario Fruit and Vegetable Growers' Association,  
 Ontario Horticultural Association,  
 Ontario Poultry Association,  
 Ontario Sheep Breeders' Association,  
 Ontario Swine Breeders' Association,  
 Ontario Veterinary Association,  
 The Canadian Guernsey Breeders' Association,  
 The Canadian Jersey Cattle Club,  
 The Canadian Kennel Club,  
 The Canadian Shorthorn Association,  
 The Holstein-Friesian Association of Canada,  
 The Jockey Club Limited,  
 The Royal Agricultural Winter Fair Association,  
 Toronto Horticultural Society,  
 Toronto and North York Hunt,

such representatives to be named and appointed by such bodies at their annual meetings for the election of officers; and

- (c) the life members of the Association assigned <sup>life members</sup> to the Agriculture Section.

**2.** This Act comes into force on the 1st day of January, <sup>Commence-</sup>1966. <sub>ment</sub>

**3.** This Act may be cited as *The Canadian National Exhibition Association Amendment Act, 1965*. <sup>Short title</sup>



CHAPTER 147

An Act respecting the City of Chatham

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of Chatham, <sup>Preamble</sup>  
herein called the Corporation, by its petition has represented that, under the terms of the various conveyances and the registration of the various Plans hereinafter referred to, the use of lands was restricted; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands described as follows:

Lands  
vested in  
Corporation

Lot named "Park", registered Plan 487, formerly in the Township of Chatham, now in the City of Chatham;

Lot No. 7, Plan 543, formerly in the Township of Chatham, now in the City of Chatham;

Lot No. 6, Plan 510, formerly in the Township of Dover, now in the City of Chatham;

Block A, Plan 526, formerly in the Township of Dover, now in the City of Chatham;

Lot No. 35 and the northeast half of Lot 36, Plan 481, in the City of Chatham,

are vested in fee simple in the Corporation.

2. The trusts imposed by the various deeds or conveyances <sup>Trusts  
annulled</sup>  
or by the registration of such Plans, whereby such lands were to be held by the Corporation for park purposes, or were restricted in any other manner, are hereby annulled.

Power to  
sell, etc.

R.S.O. 1960,  
c. 296

**3.** Subject to compliance with the provisions of *The Planning Act*, the Corporation has power to sell, lease, convey and contract in regard to such lands and every part thereof.

Execution  
of  
documents

**4.** Every disposition of or contract in regard to such lands, or any part thereof, shall be under the seal of the Corporation and signed by the Mayor and Clerk thereof for the time being.

Use of  
proceeds  
of sale  
of lands

**5.** Notwithstanding section 2, the proceeds of the sale of any of the lands described in section 1 shall, subject to an agreement dated the 20th day of January, 1965, between the Corporation and Earl R. Baker relating to the lands shown as "Park" on registered Plan 487 referred to in section 1, be held in trust for the purpose of acquiring park lands in the City of Chatham.

Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The City of Chatham Act, 1965*.

CHAPTER 148

An Act respecting the City of Cornwall

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of Cornwall <sup>Preamble</sup> by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-law No. 1756 for The Corporation of the City of Cornwall, set forth as the Schedule hereto, being a by-law to <sup>By-law to reduce levy validated</sup> reduce the levy covering the cost of the West Front sanitary sewer, is declared to be legal, valid and binding upon the Corporation and the ratepayers and inhabitants thereof.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-ment</sup> Assent.

**3.** This Act may be cited as *The City of Cornwall Act, 1965*. <sup>Short title</sup>



## SCHEDULE

BY-LAW No. 1756

FOR THE CORPORATION OF THE CITY OF CORNWALL

FOR THE YEAR 1964

A BY-LAW to reduce the levy covering the cost of the West Front Sanitary Sewer.

WHEREAS the Corporation of the Township of Cornwall, prior to annexation (which took effect on January 1st, 1957) constructed a sanitary sewer in the Dover Heights, Stidwill, Surgenor and Pescod subdivisions pursuant to By-law No. 1839 of the Corporation of the Township of Cornwall; which work was approved by Order of the Ontario Municipal Board dated the 30th day of July, 1951, as amended by Order dated the 3rd day of September, 1954;

AND WHEREAS debentures covering the cost of the said works were sold pursuant to By-law No. 1879 of the said Township of Cornwall, repayable over a term of twenty years; the first payment of which was made in the year 1955;

AND WHEREAS the said works was, in effect, a trunk sewer designed to service a much greater area than the said subdivisions, which resulted in unusually high costs;

AND WHEREAS additional subdivisions have now been developed which are being serviced by the said sewer and the owners of lands being assessed under *The Local Improvement Act* have requested the Corporation of the City of Cornwall to relieve them of part of the cost of the said sewer;

NOW, THEREFORE, the Council of the Corporation of the City of Cornwall enacts as follows:

1. There shall be collected against the persons specially assessed under the said by-laws, 50% only of the special assessment for each of the years 1965 to 1974 inclusive. The balance of the special assessment shall be paid by the Corporation of the City of Cornwall out of the general rate of the municipality.

PASSED, SIGNED AND SEALED in Open Council this 9th day of November, A.D. 1964.

N. KANIB,  
*Mayor.*

M. A. BOYER,  
*Clerk.*

## CHAPTER 149

**An Act to incorporate  
The East York Foundation**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS the persons named in section 1, being the Preamble  
present reeve and councillors of The Corporation of  
the Township of East York, by their petition have represented  
that it is desirable and in the public interest to create a  
perpetual body to receive, maintain, manage, control and use  
donations for charitable purposes within Ontario; and whereas  
the petitioners have prayed that special legislation be passed  
for such purposes; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** True Davidson, Willis L. Blair, James A. McConaghy, Foundation  
Royden Brigham, C. Howard Chandler, Norman Maughan constituted  
and Norman Cheeseman, all of the Township of East York,  
and their successors as members of the Board of Directors of  
the Foundation, are hereby constituted a body corporate and  
politic without share capital under the name of The East  
York Foundation, herein called the Foundation.

**2.** The objects of the Foundation are to receive, maintain, Objects  
manage, control and use donations for charitable purposes  
within Ontario.

**3.—(1)** The Foundation shall be composed of the members Board of  
for the time being of the Board of Directors of the Foundation, Directors  
herein called the Board.

**(2)** The first members of the Board shall be the persons First  
named in section 1, who shall serve for a period of three months members  
after the day this Act comes into force, but any such member  
shall be eligible for re-appointment.

- Composition** (3) Commencing three months after the day this Act comes into force, the Board shall be composed of seven members, all of whom shall be residents of the area now known as the Township of East York, appointed by the nominating committee.
- Term of office** (4) Three of such members shall serve for one year, two of such members shall serve for two years and two of such members shall serve for three years.
- Remuneration and term of office** (5) Members of the Board shall serve without remuneration and, subject to subsection 4, shall be appointed for a term of three years.
- Vacancy** (6) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by the nominating committee.
- Idem** (7) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by the nominating committee, and a person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.
- Nominating committee** **4.—**(1) The nominating committee shall consist of the persons holding the following offices from time to time:
1. The head of the municipal council of the Township of East York or its successor, or his nominee in writing from such council.
  2. The head of The Board of Education for the Township of East York or its successor, or his nominee in writing from such board of education.
  3. The principal of the educational institute now known as East York Collegiate.
- Meetings** (2) The nominating committee shall meet annually or oftener upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy in the Board.
- Rules** (3) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it deems advisable.
- Quorum** (4) A quorum of the nominating committee for any meeting thereof shall be not fewer than two of its members present in person, and a majority vote of all the members of the committee shall be required for the appointment of a member to the Board.

(5) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within sixty days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court of Ontario to make the appointment, and the judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he deems proper.

Failure of  
committee  
to fill  
vacancy

5.—(1) The Board may pass by-laws not contrary to this Act to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

By-laws of  
Board

(2) Without limiting the generality of subsection 1, the Board may pass by-laws,

Idem

(a) regulating the calling of and procedure at meetings of the Board, and fixing the time and place of such meetings;

(b) fixing the quorum of the Board; and

(c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law.

Repeal and  
amendment

(4) By-laws of the Board shall require the approval, either at a meeting or in writing, of the majority of the members of the Board.

Approval

6. The Foundation is hereby empowered,

Powers of  
Foundation

(a) to receive directly donations of, and hold, control and administer, real and personal property of every kind and description wherever situated, to the end that interested persons, associations or corporations may make such donations towards the educational, cultural and aesthetic enrichment of the area which in the year 1964 comprises the Township of East York, whether or not it remains as a corporate entity for municipal purposes, together with any area or areas added thereto that, together with the area which in the year 1964 comprises the Township of East York, may hereafter be constituted a corporate entity for municipal purposes;

(b)



- (b) to receive donations, or the benefit of donations indirectly, either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of real or personal property of every kind and description, or the income therefrom as aforesaid;
- (c) except as hereinafter or by any particular deed of gift provided, to convert any property at any time and from time to time received and held by or on behalf of the Foundation into any other form, and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;
- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board deems proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board deems advisable any one or more donations held by such trust company for the purposes of the Foundation under any testamentary documents or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation, except where such lease would contravene a public use agreed upon when such lands were accepted;
- (g) to pay and apply the net income in each year from all funds held directly or indirectly by it toward such charitable purposes within the said area as the Board deems advisable;
- (h) to pay, apply and distribute such portion as it deems advisable of the capital of the funds, held directly or indirectly by it, to and for such educational or charitable purposes within the said area as it deems advisable, provided that, unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any period of four consecutive years, and provided further that no distribution of capital shall be made without the unanimous consent of all

members,



members, given in person at a meeting of the Board or, if not present at a meeting, in writing within the sixty days next after the meeting;

- (i) except as hereinafter provided, to control the management and investment of all its funds, provided that, where a trust company is specifically appointed as trustee of any fund by any testamentary document or deed of trust or otherwise, such trust company shall have the physical custody of such fund and, subject to the specific terms of any such document, shall invest and reinvest the funds within the general policy of investment laid down by the Board, and provided further that the custody of all securities and the accounting therefor may be entrusted by the Board to one or more trust companies, and thereupon any such trust company shall invest and reinvest the funds within the general policy of investment laid down by the Board;
- (j) to employ such person or persons, including trust companies, and to take such other action as it deems advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to, the income or capital, or both, of the funds of the Foundation as the Board deems advisable;
- (k) to set aside, or in its discretion to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium, and to determine in its uncontrolled discretion, in respect of all funds of the Foundation, what shall be treated as income and what shall be treated as capital as to each respective transaction therein, and to charge or apportion any losses or expenses to capital or income as it deems best;
- (l) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it upon such terms and conditions as it deems just, expedient and proper;
- (m) to erect or assist in the erection of special gardens, statues, decorative fountains, historical markers,

gateways,

gateways, walks, historical or art museums or display space, or other features contributing to educational and aesthetic matters;

- (n) to acquire and display or arrange for the display of rare books, works of art and items of historical or educational interest;
- (o) to make arrangements for the use by interested or capable persons of musical instruments and dramatic or scientific equipment held by the Foundation;
- (p) to foster historical research in respect of the said area;
- (q) to encourage writers and authors to produce from time to time essays, books, pamphlets and articles dealing with the said area and its inhabitants;
- (r) to establish or aid in the establishment of exhibits of items of historical significance in respect of the said area;
- (s) subject to *The Charitable Gifts Act*, to retain any real or personal property in the form in which it may be when received by the Foundation as permanent investment or for such length of time as may be deemed best.

R.S.O. 1960,  
c. 50

#### Donations

7.—(1) The Foundation may accept donations, either directly or indirectly, subject to the condition that the income or capital or both thereof shall be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

#### Condition

(2) Subsection 1 applies only if the donation is also subject to the condition that, after the expiration of a specific or indefinite period of time or at any time, there shall be a discretionary power vested in the Board to pay or apply the income or capital of the donation to some other charitable purpose or that, if the Board is satisfied that conditions are such as to render it impractical or inefficient to expend all or any part of such moneys for such specific purpose, upon the unanimous approval of the members of the Board given either at a meeting or in writing within sixty days next after the meeting and within the limits of the discretionary power, all or any part of such moneys may be paid and applied to such other charitable purposes as the Board deems advisable.

#### Idem

(3) If any such donation is made subject to the condition that the income or capital or both shall be paid and applied to a specific charitable organization for a specified period of

time

time and if such specific charitable organization ceases to exist within the specified period of time, then for the balance of the period the income or capital or both shall be applied to such other charitable purpose as is directed by a judge of the Supreme Court in accordance with the laws in force from time to time in Ontario.

**8.** Any form of words is sufficient to constitute a donation <sup>Form of words</sup> for the purposes of this Act so long as the donor indicates an intention to contribute at the time or at a future time to the Foundation.

**9.—(1)** Subject to subsection 2, all donations made directly <sup>Treatment of donations</sup> or indirectly to the Foundation may be treated for all purposes as a general fund.

(2) In the case of a donation of \$25,000 or more, the donor <sup>Idem</sup> may require that such donation be maintained as a separate fund, in which case in each year thereafter a separate accounting thereof shall be set out in the annual audited report.

(3) Unless otherwise directed by testamentary document <sup>Acknowledgments</sup> or deed of trust or otherwise, all donations shall be publicly acknowledged in the year following that in which they are made by being set out in the annual audited report.

(4) Unless otherwise directed by testamentary document <sup>Idem</sup> or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in every year following their receipt by being set out in the annual audited report, provided that, if one person makes more than one donation, the total only of that person's donations, as they may be from time to time, need be shown.

**10.—(1)** The Foundation shall cause an audit to be made <sup>Audit</sup> by an independent auditor, at least once in every fiscal year, of the receipts and disbursements of the funds of the Foundation.

(2) The audit shall include all assets held by the Foundation <sup>Idem</sup> or any trust company on its behalf, or held by any trustee in trust for the Foundation, and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, such trustee shall give an accounting thereof to the auditor of the Foundation in each year.

(3) The Foundation shall cause to be published, in the news- <sup>Publication of statement</sup> paper published in the City of Toronto reputed to have the largest circulation therein, a certified statement by the auditor, setting out the receipts and disbursements and capital assets of the Foundation or held in trust for the Foundation.

- Idem (4) The statement shall show separately the receipts and disbursements and capital assets of any fund that is held separately, but with respect to other assets may show them as a general fund.
- Idem (5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with good accounting practice.
- Trustees to give information (6) The Board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made.
- Application of R.S.O. 1960, c. 52 (7) The Foundation shall be subject in all respects to *The Charities Accounting Act*.
- Limitation on powers **11.** Any power conferred on the Foundation by this Act shall not be exercised in respect of any donation in contravention of any express provision to the contrary in the document of trust governing such donation.
- Commencement **12.** This Act comes into force on the day it receives Royal Assent.
- Short title **13.** This Act may be cited as *The East York Foundation Act, 1965*.



## CHAPTER 150

**An Act respecting the Township of East York***Assented to April 14th, 1965**Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Township of East York, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Corporation is authorized and empowered to lease or license the use of untravelled portions of highways within those portions of the Township of East York zoned for commercial or industrial purposes to the owners or occupants of adjoining property for such consideration and upon such terms and subject to such conditions as may be agreed.

Use of  
untravelled  
portions of  
highways

(2) The Corporation is authorized and empowered to pass by-laws regulating and controlling the use of such portions of highways within the Township of East York, including the use thereof for parking purposes.

Idem

(3) This section does not apply to the portions of any highways that are under the jurisdiction of The Municipality of Metropolitan Toronto, except such portions as may be designated by by-law of the Metropolitan Council, or that are extensions or connecting links of the King's Highway.

Application

**2.**—(1) Subject to the approval of the Department of Transport, the council of the Corporation may, by by-law,

Night-time  
parking  
on streets

- (a) allow the parking of motor vehicles, excluding trucks and vehicles used for hire, on designated public highways under the jurisdiction of the Corporation or parts of such highways during specified night-time hours to the owners of such vehicles pursuant to permits issued by an official named in the by-law;

(b)



- (b) charge such fee as the council may decide for the privilege of parking for such periods and during such time as the by-law provides;
- (c) provide for cancelling the permits and refunding the unexpired portion of the fee;
- (d) prohibit the parking of all motor vehicles on such designated public highways or parts of highways during such specified night-time hours except with a permit issued pursuant to the by-law.

Petition of  
municipal  
electors

(2) No by-law passed under this section shall apply to any highway or part of a highway except upon a petition of two-thirds of all the persons who at the date of the petition were municipal electors in respect of the land abutting on such highway or part of the highway.

Reserve  
fund

(3) The net revenue derived from the operation of such night-time parking shall be paid into a reserve fund and applied as set out in clause *f* of paragraph 67 of section 377 of *The Municipal Act*.

Enforce-  
ment

(4) A by-law passed under this section may provide a procedure for the voluntary payment of penalties in cases where it is alleged that the parking provisions of the by-law have been contravened, and the owner of the motor vehicle shall incur the penalties provided for any violation unless, at the time of the violation, the motor vehicle was in the possession of some person, other than the owner or his chauffeur, without the owner's consent.

Application  
of  
R.S.O. 1960,  
c. 249

(5) Part XXI of *The Municipal Act* applies to a by-law under this section.

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** This Act may be cited as *The Township of East York Act, 1965*.

## CHAPTER 151

## An Act respecting The Frontenac District High School Board

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the County of Frontenac Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "Board" means The Frontenac District High School Board;
- (b) "County" means The Corporation of the County of Frontenac;
- (c) "District" means The Frontenac High School District.

**2.**—(1) On and after the 1st day of January, 1966, the Board, notwithstanding *The Secondary Schools and Boards of Education Act* and *The Frontenac High School District Act, 1949*, shall be composed of trustees appointed as provided in this section. Composition of Board  
R.S.O. 1960,  
c. 362  
1949, c. 124

(2) The council of the County shall appoint ten trustees, five of whom shall retire each year. County appoint-  
ments

(3) Additional trustees may be appointed in accordance with sections 24 and 25 of *The Secondary Schools and Boards of Education Act*. Separate and public  
school appoint-  
ments

**3.** Until the 31st day of December, 1965, and thereafter until the trustees first appointed pursuant to section 2 take office and the new Board is organized, the Board shall continue to be composed as provided in subsection 3 of section 3 of *The Frontenac High School District Act, 1949*. Continuance  
of present  
board  
1949, c. 124

Application  
of  
R.S.O. 1960,  
cc. 361, 362

**4.** Except as expressly varied by this Act and *The Frontenac High School District Act, 1949*, *The Schools Administration Act* and *The Secondary Schools and Boards of Education Act* shall apply to the District and to the Board and to the schools under its jurisdiction.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The Frontenac District High School Board Act, 1965*.

## CHAPTER 152

## An Act respecting the Town of Gananoque

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Town of Gananoque <sup>Preamble</sup>  
 by its petition has prayed for special legislation in  
 respect of the matters hereinafter set forth; and whereas it is  
 expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows:

**1.** The council of The Corporation of the Town of <sup>Debenture</sup>  
 Gananoque may pass a by-law, without obtaining the approval <sup>by-law</sup>  
 of the Ontario Municipal Board, providing for the issue of <sup>authorized</sup>  
 debentures of the Corporation in a principal amount not  
 exceeding \$55,000, payable in not more than ten years, for  
 the purpose of paying the balance owing for the construction  
 of an addition to the Gananoque Secondary School.

**2.** Sections 55, 56, 57 and 58 of *The Ontario Municipal* <sup>Application</sup>  
*Board Act* apply in respect of a by-law passed under section 1 <sup>of</sup>  
 and the debentures to be issued thereunder. <sup>R.S.O. 1960</sup>  
<sup>c. 274</sup>

**3.** For the purposes of every Act, the Ontario Municipal <sup>By-law</sup>  
 Board shall be deemed to have issued an order under section 31 <sup>deemed</sup>  
 of *The Secondary Schools and Boards of Education Act* and <sup>approved</sup>  
 section 64 of *The Ontario Municipal Board Act* authorizing <sup>by O.M.B.</sup>  
 The Board of Education of the Town of Gananoque to proceed <sup>R.S.O. 1960,</sup>  
 with the undertaking referred to in section 1 and authorizing <sup>cc. 362, 274</sup>  
 The Corporation of the Town of Gananoque to issue debentures under section 1.

**4.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
 Assent. <sup>ment</sup>

**5.** This Act may be cited as *The Town of Gananoque Act*, <sup>Short title</sup>  
 1965.





CHAPTER 153

An Act respecting the City of Hamilton

Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965

**W**HEREAS The Corporation of the City of Hamilton Preamble  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Notwithstanding any other special or general Act, The Compensa-  
tion to  
persons  
assisting  
a peace  
officer  
Corporation of the City of Hamilton may, in its sole and  
absolute discretion, award such compensation as The Board  
of Commissioners of Police of the City of Hamilton may deem  
reasonable in the circumstances to any person who has sus-  
tained loss by reason of property damage or by reason of  
personal injuries to or the death of any person occasioned by  
any such person having voluntarily or otherwise assisted a  
peace officer in the execution of his duty, or having in any  
other manner assisted in the enforcement of the law, and in  
recommending any such award the Board shall take into  
account any compensation awarded to such person in respect  
of any such loss pursuant to the provisions of section 122 of  
*The Workmen's Compensation Act.* R.S.O. 1960,  
c. 437

**2.—(1)** In this section, "vehicle" means a vehicle as Interpre-  
tation  
R.S.O. 1960,  
c. 172  
defined in *The Highway Traffic Act.*

**(2)** The council of The Corporation of the City of Hamilton By-law re  
speeding  
and racing  
on parking  
lots  
may by by-law,

- (a) prohibit the driving of a vehicle in a race; and
- (b) prohibit the driving of a vehicle at a speed in excess  
of 15 miles per hour,

on privately-owned parking lots upon which the public is  
invited to park vehicles, except privately-owned parking lots  
where a fee is charged for the privilege of parking vehicles.

- Application (3) A by-law passed under subsection 2 applies only to such parking lots in respect of which the owner thereof has given written consent filed with the clerk of the Corporation.
- Signs (4) No such by-law is effective in respect of a parking lot unless there is erected at each entrance to the parking lot a sign clearly indicating the speed limit for vehicles and the prohibition against the racing of vehicles.
- Penalties  
R.S.O. 1960,  
c. 249 (5) Part XXI of *The Municipal Act* applies *mutatis mutandis* to a by-law passed under this section.
- Commence-  
ment **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The City of Hamilton Act, 1965*.

## CHAPTER 154

## An Act respecting the Town of Hawkesbury

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Town of Hawkesbury, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** By-laws Nos. 2003 and 2004 of the Corporation, being by-laws to authorize construction of watermains and storm and sanitary sewer mains, which were read a first and second times on the 24th day of May, 1960, and are set out as the Schedule hereto, are hereby declared to be by-laws duly passed by the council of the Corporation and, subject to section 7, are hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof. By-laws validated

**2.** All of the watermains, water service pipes, sewers and private drain connections described in such by-laws shall be deemed to have been constructed as local improvements under *The Local Improvement Act*. Works deemed local improvements  
R.S.O. 1960, c. 223

**3.** The council of the Corporation shall cause to be prepared special assessment rolls in respect of the owners' portion of the cost of each of such works, including all water service pipes and private drain connections. Special assessment rolls

**4.** When the special assessment rolls have been prepared, the council of the Corporation shall cause to be held courts of revision and shall cause notice of the courts of revision to be given to each owner of property abutting on such works, and notice of such courts of revision shall be published in accordance with the provisions of *The Local Improvement Act*. Court of revision

Rolls  
valid

**5.** The clerk of the Corporation shall make such corrections in the special assessment rolls in respect of each of such works as are necessary to give effect to the decisions of the courts of revision, and such rolls when so corrected shall be certified by the clerk, and when so certified, except in so far as they may be further amended on appeal to the judge of the county court, such rolls and the special assessments shall be valid and binding upon all persons concerned and upon the lands specially assessed, and the works in respect of which such special assessment rolls have been made and certified shall be conclusively deemed to have been lawfully undertaken and proceeded with pursuant to and in accordance with the provisions of *The Local Improvement Act*.

R.S.O. 1960,  
c. 223

First  
charge

**6.—(1)** The first special assessment in connection with such works shall be made during the year 1965.

Credit,  
for prior  
payment

(2) Any person who has paid any amount to the Corporation in respect of such special assessment before the certification of the special assessment roll shall be given credit for such payment against any amount for which he is liable under such roll.

By-laws  
amended

**7.—(1)** Paragraph 6 of the said By-law No. 2003 and paragraph 6 of the said By-law No. 2004 are struck out and the following substituted therefor in each instance:

6. That the special assessment shall be paid in ten annual instalments.

Idem

(2) Paragraph 7 of the said By-law No. 2003 and paragraph 7 of the said By-law No. 2004 are struck out.

Commence-  
ment

**8.** This Act comes into force on the day it receives Royal Assent.

Short title

**9.** This Act may be cited as *The Town of Hawkesbury Act, 1965*.



## SCHEDULE

## CORPORATION OF THE TOWN OF HAWKESBURY

## By-LAW No. 2003

BEING A BY-LAW to authorize the construction of watermain and water service pipes on Dufferin Street from Main Street to Lansdowne Street, a distance of approximately 850 feet, as a local improvement under the provisions of *The Local Improvement Act*.

WHEREAS Eugene Brunette and others have petitioned the Municipal Council to construct, as a local improvement, the works hereinafter described, and the Clerk has certified that the petition is sufficient;

AND WHEREAS the Municipal Council has also been petitioned and feels it is expedient to construct, as a local improvement, private water service pipes from the watermain to the street line on both sides of the street as hereinafter described;

AND WHEREAS it is expedient to grant the prayer of the petitioners in the manner hereinafter provided;

AND WHEREAS the Municipal Council has procured to be made the reports, estimates and statements required for undertaking the said works.

THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. (a) That a 6" i/d cast iron Class 22 M.J. watermain be constructed on Dufferin Street from Main Street to Lansdowne Street, a distance of approximately 850 lineal feet, as a local improvement under the provisions of *The Local Improvement Act*.  
(b) That (this by-law being passed by a vote of two-thirds of all members of Council) water service pipes be constructed as a local improvement under the provisions of *The Local Improvement Act*, applicable to such works, from the watermain to the street line on both sides of Dufferin Street and that the cost of water service pipe shall be especially assessed upon the particular lot for or in connection with which it is constructed by an equal special rate per foot of the frontage of such lot, and the provisions of subsection 4 of section 3 of *The Local Improvement Act* shall apply.
2. That the engineer of the Corporation do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the making of a contract for the execution of the works (or for carrying on and executing the works by day labour).
3. The works shall be carried on and executed under the supervision and according to the directions and orders of said engineer.
4. The Mayor and Clerk are authorized to cause a contract for the construction of the works to be made and entered into with some person or persons, firms or corporation, subject to the approval of this Council, to be declared by a resolution (unless this Council decides by a resolution to carry on and execute the works by day labour, in which event the works shall be carried on and executed by day labour).



5. The Treasurer may (subject to the approval of Council) agree with any bank or person for temporary advances of money to meet the cost of the works pending the completion of it.
6. That the special assessment shall be paid in fifteen (15) annual instalments.
7. The debentures to be issued for the loan to be effected to pay for the works when completed shall bear interest at such rate as Council may determine and be made payable within fifteen (15) years on the instalment plan.
8. That any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot, without interest, if such payment is made within one month from the date of the final sittings of the Court of Revision for the revision of the special assessment roll, and at any time thereafter by the payment of the balance of the cost of construction assessed upon such lot together with the sum of money representing the difference between the amount of interest payable under the debentures issued for the payment of said cost and the interest realizable from the investment of said cash payment at the then prevailing rate of interest.

Done and passed in open Council by a vote of two-thirds of all members of Council, signed by the Mayor and Clerk after a first and second reading, this 24th day of May, 1960,

(sgd.) J. L. E. GÉLINEAU,  
Clerk.

(sgd.) ROSAIRE GASCON,  
Mayor.

Finally passed on third reading, by a vote of two-thirds of all members of Council, sealed with the seal of the Corporation this \_\_\_\_\_ day of \_\_\_\_\_, 1960.

.....  
Clerk.

.....  
Mayor.

## CORPORATION OF THE TOWN OF HAWKESBURY

## BY-LAW No. 2004

BEING A BY-LAW to authorize the construction of a storm sewer, a sanitary sewermain and private drain connections on Dufferin Street from Main Street to Lansdowne Street as a local improvement under the provisions of *The Local Improvement Act*.

WHEREAS Eugene Brunette and others have petitioned the Council to construct, as a local improvement, the works hereinafter described, and the Clerk has certified that the petition is sufficient;

AND WHEREAS Council has also been petitioned and feels it is expedient to construct as a local improvement private drain connections from the sewermain to the street line on both sides of Dufferin Street, as hereinafter described;

AND WHEREAS it is expedient to grant the prayer of the petitioners in the manner hereinafter provided;

AND WHEREAS Council has procured to be made the reports, estimates and statements required for undertaking the said works.

THEREFORE the Municipal Council of the Corporation of the Town of Hawkesbury enacts as follows:

1. (a) That a 24" i/d class III concrete storm sewer be constructed on Dufferin Street from Lansdowne Street to the north side of Main Street East, a distance of approximately 960 feet as a local improvement under the provisions of *The Local Improvement Act*.
- (b) That a 12" i/d class III concrete sanitary sewermain be constructed on Dufferin Street from Lansdowne Street to Main Street, a distance of approximately 850 feet, as a local improvement under the provisions of *The Local Improvement Act*.
- (c) That (this by-law being passed by a vote of two-thirds of all members of Council) private drain connections be constructed as a local improvement under the provisions of *The Local Improvement Act* applicable to such works, from the sewermain to the street line on both sides of Dufferin Street, and that the cost of each private drain connection shall be especially assessed upon the particular lot for or in connection with which it is constructed by an equal special rate per foot of the frontage of such lot, and the provisions of subsection (4) of Section 3 of *The Local Improvement Act* shall apply.
2. That the engineer of the Corporation do forthwith make such plans, profiles and specifications and furnish such information as may be necessary for the making of a contract for the execution of the works (or for carrying on and executing the works by day labour).
3. That the works shall be carried on and executed under the supervision and according to the directions and orders of said engineer.
4. That the Mayor and Clerk are authorized to cause a contract for the construction of the works to be made and entered into with some person or persons, firms or corporation, subject to the approval of this Council, to be declared by a resolution (unless this Council decides by a resolution to carry on and execute the works by day labour, in which event the works shall be carried on and executed by day labour).

5. That the Treasurer may (subject to the approval of Council) agree with any bank or person for temporary advances of money to meet the cost of the works pending the completion of it.
6. That the special assessment shall be paid in fifteen (15) annual instalments.
7. That the debentures to be issued for the loan to be effected to pay for the cost of the works when completed shall bear interest at such rate as the Council may determine and be made payable within fifteen (15) years on the instalment plan.
8. That any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot, without interest, if such payment is made within one month from the date of the final sittings of the Court of Revision for the revision of the special assessment roll, and at any time thereafter by the payment of the balance of the cost of construction assessed upon such lot together with the sum of money representing the difference between the amount of interest payable under the debentures issued for the payment of said cost and the interest realizable from the investment of said cash payment at the then prevailing rate of interest.

Done and passed in open Council by a vote of two-thirds of all members of Council, signed by the Mayor and Clerk after a first and second reading, this 24th day of May, 1960.

(sgd.) J. L. E. GÉLINEAU,  
*Clerk.*

(sgd.) ROSAIRE GASCON,  
*Mayor.*

Finally passed on third reading, by a vote of two-thirds of all members of Council, sealed with the seal of the Corporation this                      day of  
, 1960.

.....  
*Clerk.*

.....  
*Mayor.*

## CHAPTER 155

## An Act respecting the City of Kitchener

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of Kitchener by its petition has represented that it is desirous of providing for the establishment of a Parks and Recreation Commission, herein called the Commission, for the better development and supervision of its public parks and recreation facilities, and that for such purposes it is necessary to endow the Commission with all the duties, responsibilities, powers and privileges of the Kitchener Recreation Committee, established under *The Department of Education Act*, and the Kitchener Board of Park Management, established under *The Public Parks Act*; and whereas the petitioner has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the petition;

Preamble

R.S.O. 1960,  
cc. 94, 329

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**Interpre-  
tation

- (a) "City" means The Corporation of the City of Kitchener; and
- (b) "Council" means the Council of The Corporation of the City of Kitchener.

**2.—(1)** Notwithstanding *The Department of Education Act* and the regulations thereunder and *The Public Parks Act*, there shall be a commission to be known as the Parks and Recreation Commission of the City of Kitchener which shall be a corporation and shall be composed of,

Parks and  
Recreation  
Committee

- (a) the head of the Council;
- (b) one member of the Council to be appointed by the Council; and

(c)



- (c) eight persons, appointed by the Council, who are qualified to be elected members of Council but who are not members thereof.

Substitute  
for head  
of Council

(2) The head of the Council, with the approval of the Council, may appoint a substitute, who is a member of the Council, to act for him from time to time.

Term of  
office

(3) The members of the Commission who are not members of the Council shall hold office for two years and until their successors are appointed, provided that, on the first appointment, the members shall hold office until the end of the year next following such appointment in which a municipal election is to be held to elect members of the Council.

Vacancies

(4) Where a member of the Commission ceases to be a member before the expiration of his term of office, the Council shall appoint another qualified person in his place, who shall hold office for the remainder of his term and until his successor is appointed.

Quorum

(5) A majority of the members of the Commission constitute a quorum.

Chairman

(6) At its first meeting of every year, the Commission shall elect a chairman and a vice-chairman from among the members of the Commission, and, in the absence of the chairman, the vice-chairman shall preside.

Staff

(7) The Commission shall appoint a secretary-treasurer, who may be a member of the Commission, and may engage such employees and consultants as is deemed expedient.

Powers and  
duties of  
Commission  
R.S.O. 1960,  
cc. 94, 329

**3.** Except as otherwise provided in this Act, *The Department of Education Act* and the regulations thereunder and *The Public Parks Act* apply to the Commission as if it had been established in accordance with such Acts and regulations.

Dissolution  
of former  
bodies

**4.—(1)** The Kitchener Board of Park Management and the Kitchener Recreation Committee are dissolved, and the assets and liabilities thereof become the assets and liabilities of the Parks and Recreation Commission.

By-laws  
repealed

(2) By-law No. 518 of the Town of Berlin, By-law No. 523 of the Town of Berlin, and By-law No. 3049 of the City, and any by-laws amending such by-laws, are repealed.

Estimates  
of  
Commission

**5.—(1)** The Commission shall, on or before the 1st day of February in each year, submit to the Council an itemized estimate of its financial requirements for the year, and,

subject



subject to the provisions of *The Public Parks Act*, the Council <sup>R.S.O. 1960,  
c. 329</sup> may amend such estimate and shall pay to the secretary-treasurer of the Commission out of moneys appropriated for the Commission such amounts as may be requisitioned from time to time.

(2) Where any moneys have been included in the estimates <sup>Moneys for  
specific  
purposes</sup> of the Commission for a specific purpose, they may be used by the Commission only for such specific purpose and not otherwise.

**6.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup> Assent.

**7.** This Act may be cited as *The City of Kitchener Act, 1965*. <sup>Short title</sup>



## CHAPTER 156

## An Act respecting the City of London

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of London,<sup>Preamble</sup> herein called the Corporation, by its petition has prayed for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Corporation and The Public Utilities Commission of the City of London are authorized and empowered to enter<sup>Authority to enter into agreement</sup> into an agreement, set forth as the Schedule hereto, amending the agreement dated the 10th day of February, 1964, and set forth as Schedule A to *The City of London Act, 1964*,<sup>1964, c. 132</sup> and to carry out and perform the terms thereof, subject to the approval of the Ontario Municipal Board being obtained from time to time as provided therein.

**2.—(1)** By-laws may be passed by the council of the Corporation for requiring the establishment, construction,<sup>Development control</sup> preservation and maintenance of the following facilities within the City of London, or within any defined area or areas thereof, as a condition precedent to the development or redevelopment of any land, and for regulating and controlling such facilities:

1. Access ramps between private land and the travelled portion of a public street, lane or highway, the location thereof and the direction of traffic thereon.
2. The grading of private lands and the disposal of storm and waste water therefrom.
3. Floodlighting of any building or structure.
4. Garbage vaults and central garbage storage and collection areas.

5. Surfacing of parking areas.
6. Walls, fences, hedges and strip planting of trees or shrubs, to provide a buffer zone between land use zones.

Idem

- (2) Such by-laws may,
  - (a) provide that, without cost, easements necessary for public facilities serving only the proposed development shall be conveyed to the City;
  - (b) prohibit the issuance of building permits until all requirements of the by-laws have been met and, in the case of undeveloped commercial or multi-family blocks or the redevelopment thereof, until site plans have been submitted to and approved by the Corporation;
  - (c) provide that all works required by the by-laws or of any nature incidental or necessary to the development shall be carried out by the owner of the lands being developed at his risk and expense and, where such works are on a road allowance, to the satisfaction of the City.

Idem

- (3) Such by-laws may provide that,
  - (a) the construction and maintenance of any works, including curbs, pavements, plantings and other improvements, shall at all times be at the sole risk and expense of the owner of the lands being developed;
  - (b) any loss, costs and damages, which the Corporation may suffer, be at or be put to for or by reason or on account of the construction, maintenance or existence of such works, shall constitute a first lien and charge upon such lands and shall be collectable in like manner as municipal taxes.

Appeal

- (4) Any person aggrieved by the provisions of a by-law or an amending by-law passed under the authority of this section may, within thirty days after the passage of the by-law or amending by-law, appeal to the Ontario Municipal Board, and the Board shall hear the appeal and dismiss the same or direct that the by-law or amending by-law be amended in accordance with its order.

(5) Where an application has been made to the Ontario Municipal Board for the approval of a by-law passed under this section, a copy of the decision of the Board with respect to the application shall be supplied by the Board to the applicant and to each person who appeared in person or by counsel at the hearing of the application and who filed with the Board or the secretary of the Board a written request for notice of the decision. <sup>Copies of decisions to be supplied</sup>

**3.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**4.** This Act may be cited as *The City of London Act, 1965*. <sup>Short title</sup>



SCHEDULE

CITY OF LONDON ACT, 1965

THIS AGREEMENT made in duplicate the 8th day of December, A.D. 1964,

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON  
(hereinafter called the "City"),

OF THE FIRST PART,

— and —

THE PUBLIC UTILITIES COMMISSION OF THE CITY  
OF LONDON  
(hereinafter called the "Commission"),

OF THE SECOND PART.

WHEREAS the parties hereto entered into an Agreement dated 10th February, 1964, hereinafter referred to as the February 1964 Agreement, relating to water supply for the City of London, and wherein it is provided, *inter alia*, by Paragraph 3 that the Commission shall construct and operate a water pipeline from Lake Huron together with an intake, pumping stations, reservoirs and filtration plant as therein more particularly described.

AND WHEREAS by an Act of the Legislature entitled *The City of London Act, 1964* the City and the Commission were authorized and empowered to enter into the February 1964 Agreement, subject to *The Ontario Water Resources Commission Act*, and authorized and empowered to carry out and perform the terms thereof, subject to the approval of the Ontario Municipal Board being obtained from time to time as provided in the said Agreement.

AND WHEREAS the parties hereto have entered into an Agreement with the Ontario Water Resources Commission dated the 14th day of August, 1964, and approved by order of the Ontario Municipal Board made the 2nd day of September, 1964, with respect to the construction and operation by the Ontario Water Resources Commission of a pipeline and other water works for the transmission of water from Lake Huron to the vicinity of the City of London and the sale to the Commission of chlorinated water.

AND WHEREAS, by reason of the parties having entered into the said Agreement with the Ontario Water Resources Commission as aforesaid, it is necessary that the February 1964 Agreement be amended insofar as the same pertains to the construction and operation of a Lake Huron pipeline, and this Agreement is entered into for such purpose.

AND WHEREAS the following debentures have been issued or issuance has been authorized by the Ontario Municipal Board for some of the works contemplated by the February 1964 Agreement:

Amount	Year of Issue
\$	
2,453,400.00.....	1963
764,919.00.....	1964

NOW THEREFORE the parties hereto agree that, subject to the approval of the Ontario Municipal Board, the Agreement made between the parties hereto and dated 10th February, 1964, be and the same is hereby amended as follows:

- 1. Delete Paragraph 3 and substitute therefor the following:
- 3. The Commission shall construct the works mentioned in the following schedule within the times indicated in the said schedule to the extent that it shall be possible and reasonably practicable to adhere to the said time schedule, it being the intent of the parties that additional supplies of water shall be obtained from wells in the Komoka area throughout the period 1963 to 1970 and that water shall be delivered in London from the water pipeline from Lake Huron in accordance with its initial capacity during the year 1966:

Work	Estimated Cost	Year by Which Work is to be Completed
	\$	
(a) Komoka Wells Development, Springbank Reservoir Right-of-Way to Lake Huron and Engineering & Distribution System.....	3,213,450.00	1963
(b) Distribution System Construction.....	2,964,838.00	1964
(c) Arva Pumping Station (part), Arva to City main (part), Distribution System Construction.	2,214,900.00	1965
(d) Arva Pumping Station (part), Arva to City main (part), Distribution System Construction.	2,279,300.00	1966
(e) Distribution System Construction.....	850,100.00	1967
(f) Distribution System Construction.....	858,500.00	1968
(g) Reservoir Construction, Distribution System Construction.	1,395,600.00	1969
(h) Distribution System Construction.....	502,600.00	1970
(i) Distribution System Construction.....	578,900.00	1971
(j) Distribution System Construction.....	601,600.00	1972
(k) Distribution System Construction.....	643,800.00	1973
(l) Distribution System Construction.....	668,600.00	1974
(m) Distribution System Construction.....	677,100.00	1975
(n) Distribution System Construction.....	633,100.00	1976
(o) Distribution System Construction.....	680,000.00	1977

After the year 1977 the program of construction for the water distribution system for the City of London shall continue in order to enlarge the capacity and enable the Commission to maintain an adequate water supply in accordance with increased requirements.

2. Delete sub-paragraph (a) of Paragraph 8 and substitute therefor the following:

8. Subject at all times to the approval of the Ontario Municipal Board so long as such approval shall be required by statute and subject to repayment in accordance with the terms of Paragraph 4 of this Agreement, the City shall raise by the issue of debentures for the purposes contemplated by this Agreement:

(a) The following approximate amounts, namely:

Debentures Required	Year
\$	
996,094.00.....	1965
1,043,170.00.....	1966
686,762.00.....	1967
699,967.00.....	1968
1,262,222.00.....	1969
402,632.00.....	1970
436,881.00.....	1971
444,882.00.....	1972
398,942.00.....	1973
344,146.00.....	1974
327,591.00.....	1975
183,768.00.....	1976
76,564.00.....	1977

- (b) Such further sums as the Commission may require from time to time for the capital construction purposes contemplated by this Agreement.

This Agreement is entered into upon the express understanding and the condition that the amounts and dates set forth in this Paragraph and in Paragraph 3 constitute approximate and imperfect estimates made prior to the preparation of preliminary and detailed plans, specifications and plans of survey referred to in Paragraph 2, and made without regard to the possible changes in the purchasing power of the dollar, and that these estimates will require adjustment from time to time in accordance with the requirements of the engineering construction program and actual costs incurred.

3. Delete Paragraph 14 and substitute therefor the following:

14. This Agreement shall continue in full force and effect until December 31, 1997 or until all of the debentures issued pursuant to this Agreement have been repaid, whichever shall occur first.

4. All other provisions and conditions of the said February 1964 Agreement are confirmed and shall remain as they now are except insofar as they may be inconsistent with or frustrated by the said Agreement between the Ontario Water Resources Commission and the parties hereto dated August 14, 1964, and this Agreement shall alter the said February 1964 Agreement only so far as is stated herein.

5. This Agreement shall come into force and take effect upon receiving the authority and confirmation of an Act of the Ontario Legislature empowering the parties to carry out and perform the same. The City shall apply for Special Legislation giving the City and the Commission all necessary powers, authority and capacity to carry out and perform their respective obligations and responsibilities under this Agreement, and the Commission agrees to support the application of the City for Special Legislation before the Private Bills Committee of the Legislature.

The Parties hereto have caused to be affixed their respective Corporate Seals attested by the hands of their duly authorized Officers.

THE CORPORATION OF THE CITY OF  
LONDON:

F. G. STRONACH,  
*Mayor.*

R. H. COOPER,  
*Clerk.*

THE PUBLIC UTILITIES COMMISSION OF  
THE CITY OF LONDON:

J. H. GILLIES,  
*Chairman.*

C. H. KEW,  
*Secretary.*





## CHAPTER 157

## An Act respecting the Township of London

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Township of London, <sup>Preamble</sup>  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter set  
forth; and whereas it is expedient to grant the prayer of the  
petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** By-law No. 3823, passed by the Corporation on the <sup>By-law confirmed</sup>  
30th day of April, 1964, authorizing the issue of debentures  
of the Corporation in the principal amount of \$10,000 to  
provide for certain drainage works in the Township of London,  
known as the McIntyre Drain, set forth as the Schedule  
hereto, is hereby confirmed and declared to be legal, valid  
and binding upon the Corporation and the ratepayers thereof.

**2.** Sections 55, 56, 57 and 58 of *The Ontario Municipal* <sup>Application of</sup>  
*Board Act* apply in respect of By-law No. 3823 and the debentures to be issued thereunder. <sup>R.S.O. 1960, c. 274</sup>

**3.** For the purposes of every Act, the Ontario Municipal <sup>Order of O.M.B.</sup>  
Board shall be deemed to have issued an order, pursuant to  
section 64 of *The Ontario Municipal Board Act*, authorizing  
the Corporation to proceed with the drainage works referred  
to in section 1 and authorizing the Corporation to pass By-law  
No. 3823 referred to in section 1.

**4.** This Act comes into force on the day it receives Royal <sup>Commencement</sup>  
Assent.

**5.** This Act may be cited as *The Township of London Act*, <sup>Short title</sup>  
1965.

## SCHEDULE

## THE CORPORATION OF THE TOWNSHIP OF LONDON

## PROVISIONAL BY-LAW No. 3823

BEING A BY-LAW to provide for a drainage works in the Townships of London, Biddulph and East Williams, all in the County of Middlesex, and for borrowing on the credit of the Township of London the sum of \$10,000.00 for completing the drainage works (McIntyre Drainage Works 1964).

WHEREAS the requisite number of owners, as shown by the last revised assessment roll of the property hereinafter set forth requiring drainage, have petitioned the Council of the Township of London praying that the certain lands and roads may be drained by a drainage works;

AND WHEREAS the Council has procured a report made by C. P. Corbett and Company Limited and the report is as follows:

To the Reeve and Council,  
Township of London,

Gentlemen:

In accordance with your instructions pursuant to a petition signed by a majority in number of the owners in an area described to be benefited, I have made an examination and survey of the described area and submit herewith estimates, drawings and specifications for a work of construction to be known as the McIntyre Drainage Works 1964.

The plan shows the location of the work and the lands affected by it; the profile and specifications show the grades, dimensions and other particulars of the work. The proposed work will be constructed on lands in the Townships of London and East Williams; the assessed area will also include land in the Township of McGillivray.

I determine the allowances payable to the owners of lands entitled thereto under Section 8 of *The Drainage Act* as follows:

Con.	Lot	Owner	Damages ss(1)	Severance ss(6)	Right-of-way ss(8)
<i>Township of London—</i>					
16	S. ½ 30	D. B. McIntyre	40.00	400.00	115.00
	S. ½ 31	D. B. McIntyre	145.00	400.00	415.00
	N. ½ 31	D. McIntyre...	135.00	400.00	390.00
	N. ½ 32	S. Trevithick...	105.00	400.00	275.00
			425.00	1,600.00	1,195.00
		Total, London Township.....		3,220.00	
<i>East Williams Township—</i>					
1	31	S. Trevithick...	80.00	400.00	230.00
	30	S. Siddall.....	130.00	400.00	370.00
			210.00	800.00	600.00
		Total, East Williams.....		1,610.00	

The allowance for right-of-way is compensation for a strip of land four rods wide and intended to contain both the excavation and excavated material.

I estimate the cost of this work as follows:

*In the Township of London—*

Excavating and levelling approximately 7675 cu. yds.....	\$ 2,300.00
Allowances under Section 8 of <i>The Drainage Act</i> .....	3,220.00

*On the London–East Williams Townline—*

Excavating & levelling approximately 50 cu. yds.....	25.00
--	-------

*In the Township of East Williams—*

Excavating & levelling approximately 3350 cu. yds.....	1,000.00
Allowances under Section 8 of <i>The Drainage Act</i> .....	1,610.00
Survey and Report.....	800.00
By-laws, London Township.....	75.00
Clerk's Fees & By-laws, East Williams.....	125.00
Clerk's fees & By-laws, McGillivray.....	25.00
Restaking and inspections.....	400.00
Incidentals and Contingencies.....	420.00
<hr/>	
Total Estimated Cost.....	\$ 10,000.00

I assess the cost of this work against the lands and roads affected as shown on the annexed Schedule of Assessments.

After completion, the portion of the drain within the Township of London and on the Townline shall be maintained by the Corporation of the Township of London, and the portion within the Township of East Williams shall be maintained by the Corporation of the Township of East Williams, at the expense of all the lands and roads herein assessed and in the same relative proportions thereto, subject to any variations made under authority of *The Drainage Act, 1962-63*.

Performance of the work proposed herein shall be governed by the drawings and specifications therefor on file at the offices of the Municipal Clerks of the Townships of London, East Williams and McGillivray.

All of which is respectfully submitted.

“C. P. CORBETT”

C. P. CORBETT, P.Eng., O.L.S.

Lucan, Ontario,  
24 February, 1964.

SCHEDULE OF ASSESSMENTS  
McINTYRE DRAINAGE WORKS 1964  
TOWNSHIP OF LONDON

24 February, 1964

Con.	Lot	Acres	Owner	Benefit	Outlet
<i>Township of London—</i>					
15	N. ½ 30	6	M. Bowman.....	\$ .....	\$ 5.00
	N. ½ 31	50	E. Shipley Est.....	.....	45.00
	N. ½ 32	4	A. Bloomfield.....	.....	5.00
16	E. ½ 29	6	J. Phillips.....	.....	10.00
	W. ½ 29	50	W. Phillips.....	.....	75.00
	S. ½ 30	78	D. B. McIntyre.....	1,650.00	110.00
	N. ½ 30	78	D. McIntyre.....	.....	120.00
	S. ½ 31	93	D. B. McIntyre.....	1,960.00	120.00
	N. ½ 31	77	D. McIntyre.....	1,860.00	90.00
32		65	S. Trevithick.....	1,445.00	65.00
Total on Lands—London Township.....				6,915.00	645.00
Highway No. 7		6	D.H.O.....	.....	20.00
Con. Road 15-16		4	London Township.....	.....	20.00
½ Townline		3	London Township.....	65.00	20.00
Total on Roads—London Township.....				65.00	60.00
TOTAL ASSESSMENT LONDON TOWNSHIP.....				\$ 7,685.00	
<i>Township of East Williams—</i>					
1	31	20	S. Trevithick.....	\$ 1,200.00	\$ 20.00
	30	15	S. Siddall.....	1,000.00	.....
½ Townline		3	E. Williams Twp.....	65.00	20.00
Total on Lands & Roads, E. Williams.....				2,265.00	40.00
TOTAL ASSESSMENT EAST WILLIAMS TWP.....				\$ 2,305.00	
<i>Township of McGillivray—</i>					
1	35	6	R. Hodgins.....	\$ .....	\$ 10.00
TOTAL ASSESSMENT MCGILLIVRAY TOWNSHIP.....				\$ 10.00	
TOTAL ASSESSMENT ON DRAIN.....				\$ 10,000.00	

AND WHEREAS the Council is of opinion that the drainage of the area described is desirable;

NOW THEREFORE the Council of the Township of London pursuant to *The Drainage Act, 1962-63* enacts as a by-law as follows:—



1. The report is hereby adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.

2. The Corporation of the Township of London may borrow on the credit of the Corporation the sum of \$10,000.00 being the funds necessary for the drainage works not otherwise provided for; provided that such sum shall be reduced by the amount of grants and commuted payments with respect to lands and roads assessed, and may issue debentures of the Corporation to that amount in sums of not less than \$50.00 each, and payable within five years from the date of such debentures with interest at the rate of six (6%) per cent per annum; such debentures to be payable at such a place or places in Canada, as shall be designated herein, both principal and interest to be payable in lawful money of Canada. The debentures shall be issued with coupons attached for interest.

3. For paying the sum of \$9,180.00 the amount charged against such lands and roads for benefit, and the sum of \$695.00 the amount charged against such lands and roads for outlet liability, apart from lands and roads belonging to or controlled by the municipality, and for covering interest thereon for five years, at the rate of six (6%) per cent per annum, the following total special rates over and above all other rates shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the under-mentioned parcels of land and parts of parcels and roads, and the amount of the total special rates and interests against each parcel or part of parcel respectively shall be divided into five equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year, for five years, after the passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 3 of section 64 of *The Drainage Act, 1962-63*, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed as per Schedule "A" attached hereto.

4. For paying the sum of \$125.00 the amount assessed against such roads and lands of the municipality, and for covering interest thereon for five years at the rate of six (6%) per cent per annum, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected) upon and from the whole rateable property in the Township of London in each year for five years, after the passing of this by-law, during which the debentures have to run.

5. This by-law comes into force on the passing thereof, and may be cited as the "McIntyre Drainage Works 1964 By-law".

FIRST READING the 8th day of April, 1964.

SECOND READING the 8th day of April, 1964.

THIRD READING the 30th day of April, 1964.

ENACTED this 30th day of April, 1964.

WM. GODDARD,  
*Reeve.*

H. C. POCKOCK,  
*Clerk.*



## Schedule "A"

TO BY-LAW No. 3823

Con.	Lot	Name	Acres	Benefit	Outlet	Total	Est. Grant	Net Cost	Interest at 6%	Annual Assessment for 5 years
15	N. ½ 30	M. Bowman.....	6	.....	5.00	5.00	1.66	3.34	.63	.79
	N. ½ 31	E. Shipley Est.....	50	.....	45.00	45.00	14.98	30.02	5.61	7.13
	N. ½ 32	A. Bloomfield.....	4	.....	5.00	5.00	1.66	3.34	.63	.79
16	E. ½ 29	J. Phillips.....	6	.....	10.00	10.00	3.30	6.70	1.25	1.58
	W. ½ 29	W. Phillips.....	50	.....	75.00	75.00	24.97	50.03	9.35	11.88
	S. ½ 30	D. B. McIntyre.....	78	1,650.00	110.00	1,760.00	586.03	1,173.97	219.51	278.70
	N. ½ 30	D. McIntyre.....	78	.....	120.00	120.00	39.96	80.04	14.97	19.00
	S. ½ 31	D. B. McIntyre.....	93	1,960.00	120.00	2,080.00	692.58	1,387.42	259.42	329.37
	N. ½ 31	D. McIntyre.....	77	1,860.00	90.00	1,950.00	649.30	1,300.70	243.21	308.79
32		S. Trevithick.....	65	1,445.00	65.00	1,510.00	502.79	1,007.21	188.33	239.11
				6,915.00	645.00	7,560.00	2,517.23	5,042.77	942.91	1,197.14
Hwy. No. 7.....		D.H.O.....	6	.....	20.00	20.00	6.66	13.34	2.49	3.17
Con. 15-16.....		Twp. of London.....	4	.....	20.00	20.00	6.66	13.34	2.49	3.17
½ Townline.....		Twp. of London.....	3	65.00	20.00	85.00	28.30	56.70	10.61	13.45
				6,980.00	705.00	7,685.00	2,558.85	5,126.15	958.50	1,216.93

Schedule "B"

*Schedule "B"*

## TO BY-LAW No. 3823

*Specifications—General Conditions*

1. These specifications and the report and drawings bearing the same date and file number apply to and govern the supplying of all labour, materials and equipment necessary to construct the work, complete and ready for use, as shown on, described by or reasonably inferable from the drawings and specifications.

2. Tenders will be received and contracts let only in the form of a lump sum for the completion of the whole work or of such specified portions as local conditions warrant. The lowest or any tender will not necessarily be accepted. The proposal or tender form, when signed and offered by the bidder, shall be a binding and formal contract when accepted by and signed on behalf of the Municipality or owner.

3. Each bidder shall file a sealed proposal and with it a certified cheque for the amount stipulated in the tender call, made payable to the Municipality. The cheques of the unsuccessful bidders will be returned within 10 days after the contract is awarded. The cheque of the successful bidder will be returned with the final payment for the work.

4. The bidders must examine for themselves the drawings, specifications and location of the work and exercise their own judgement as to the extent of the work to be done. The Contractor must assume all risks of variance in any computation by whomsoever made of statements of quantities necessary to complete the work required by the contract. If any doubt exists in the mind of any person tendering as to the exact meaning of any part of these drawings or specifications, it must be removed before signing the tender form. Thereafter the Contractor shall be bound by the decisions of the Engineer on all points, and the Engineer's directions and decisions shall be final, conclusive and unimpeachable for any cause.

5. The successful bidder may be required to furnish a performance contract bond for 50% of the amount of the contract. This bond shall be a surety bond by an approved Canadian bonding company. The bond shall bind the Contractor to complete the work and maintain it for a period of one year after the date of the completion certificate, but shall not entitle the contractor to release of all or part of the holdback elsewhere specified.

6. The Contractor shall satisfy himself before commencement of any part of the work of the meaning of all stakes and marks. Any apparent error which he may find shall be immediately reported to the Engineer before the work is started. Should the contractor attempt to correct an error, he will be held liable to bring the work back to conformity with the specifications.

7. Time shall be deemed the essence of this contract. All work included in the contract must be completed before the date fixed at the time of sale. The contractor further agrees that if at any time the Engineer shall be of the opinion, and shall so certify in writing to the Municipal Council, that the work is unnecessarily delayed, or that the Contractor is violating any of the conditions of this contract, or is executing the work in bad faith, or if the work is not fully completed within the time named in the contract, the Council shall have the power to notify the Contractor to discontinue all further work and terminate all future performance thereof, but reserving all claims against the contractor for breach of contract, by written notice to be served upon the contractor either personally, or at his residence, or by registered mail, or with his agent in charge of the work. Thereupon the contractor shall discontinue the work and the Council shall have the power to procure labour, material and equipment, by contract or otherwise, and to complete said work, and to charge the expenses thereof, including damages of every name and nature, to the Contractor. The expenses so charged shall be deducted by Council out of such money as may then or thereafter be due to the Contractor under

this

this contract. In case such expense may be less than the amount which may have been payable under the contract if the work had been completed by the Contractor, he shall receive the difference. In case such expense shall exceed the sum, the Contractor shall pay the amount of such excess to the Municipality.

8. The Engineer may make minor changes in the work as it progresses, an amount proportionate to the amount of the tender being added to or deducted from the contract price to cover such changes. A major change must be authorized by a resolution of Council. No change will be made unless authorized by the Engineer in writing.

9. If the Contractor should encounter conditions of any sort which may not have been known to the Engineer and were not provided for by the drawings and specifications, and which would make necessary alterations to the drawings and specifications in order that the work be completed in a satisfactory and workmanlike manner, the Contractor shall immediately notify the Engineer who will make the necessary alterations. Failure of the Contractor to so notify the Engineer shall not relieve the Contractor of the responsibility of fully completing the work and maintaining it for a period of one year after the date of the completion certificate.

10. The Contractor shall, before performing any work affecting the land or property of any Dominion, Provincial or Municipal Department, or any Public Utility, Telephone or Pipe Line Company, obtain at his own expense any necessary permits. The Contractor shall further agree to perform this work in strict accordance with the specifications of such Department, Utility or Company as though said specifications were hereto attached.

11. The Contractor shall pay all losses, damages or claims received by the Municipality and he shall protect and save harmless the Municipality against liability for any accidents, damages, casualties, losses or claims directly or indirectly arising out of the contract, or manner of performance thereof by the Contractor, his agents, employees or subcontractors.

12. Payment equal to about 80% of the value of the work done and materials incorporated in the work will be made to the Contractor after completion of the work on the report of the Engineer. An additional 15% will be paid 30 days after the final acceptance of the work and 5% of the contract price may be retained by the Municipality for one year. After completion of the work, any part of this reserve may be used to make good defects developed within that time from faulty workmanship or materials, without prior notice being given to the Contractor. Monthly payments may be arranged when warranted.

13. All the work included in the contract must at the time of completion and final inspection have the full dimensions specified. Final inspection will be made by the Engineer within 30 days after he has received written notice from the Contractor that the work is finished, or as soon thereafter as weather conditions permit.

#### *Specifications—Open Drain*

1. **STAKES:** Stakes are placed two hundred feet apart throughout the course of the work or as shown on the accompanying plan and profile. The Contractor shall be liable for the cost of replacing stakes and bench marks destroyed during the course of construction; the drainage area shall be liable for replacing stakes and marks lost prior to construction.

2. **LINE:** The drain shall run in straight lines throughout each course except that at intersections of courses it shall run on a curve of at least 50-foot radius. The centre line of the present drain shall in general be the centre line of the finished work but the present courses shall be lined out and all sloping and widening necessary shall be done in such manner as to make the finished work uniform.



3. **PROFILE:** The drain is to be excavated to regular grade lines as shown on the profile. These grade lines are governed entirely by the bench marks and show the bottom of the finished drain. The profile shows for the convenience of the Contractor and others the approximate depths from the surface of the ground at the points where the numbered stakes are set and from the average bottom of the present drain as taken at the time of survey but the bench marks must govern. The depths are indicated on the profile in feet and tenths of feet. A variation of one-half inch ( $\frac{1}{2}$ " ) from the grade line will be deemed sufficient reason to cause the work to be rejected and done over.

4. **EXCAVATION:** Both sides of an open drain are to be sloped one foot horizontally to one foot vertically or as otherwise shown on the drawings. The drain shall have the full specified width at the grade line.

5. **EXCAVATED MATERIAL:** A clear berm or margin of at least six feet shall be left between the top edge of the ditch and the spoil bank. No excavated material is to be left in any ditches, depression, furrows or tiles intended to conduct water into the open drain. The side of the spoil bank nearest the ditch shall have a slope no greater than one and one-half to one. Excavated material shall in general be placed on the lower side of a drain or on the side opposite trees and fences. It shall be deposited, spread and levelled so that the lands on which it lies may be cultivated with adjacent lands by the use of ordinary farm machinery. In general, and unless otherwise provided, the levelled material shall have a depth of not more than one foot. This specification will be considered to be complied with when the contractor obtains a statement in writing from the owners of affected lands that the treatment of the spoil is satisfactory. Disposal of the material shall be to the satisfaction of the Engineer or Commissioner.

6. **ROADS:** Where a drain is removed from a road allowance, the new channel shall be constructed entirely on farm lands and the excavated material shall be placed in the abandoned channel. Excess material, if any, not required for such filling shall be placed on the adjoining farm lands. On road allowances, disposal of excavated material, levelling, backfilling, installation of culverts and catch basins, and all other work shall be performed as directed by the Road Superintendent. Any metal pipe culverts laid under the travelled portion of a road allowance shall be backfilled to the surface with pit run gravel.

7. **OBSTRUCTIONS:** Any brush, timber, logs, stumps, stones or any other obstructions in the course of the work or along the banks thereof must be removed to a sufficient distance to be clear of the excavated material. No brush or trees are to be left inside the slopes of the drain whether or not they come within the limits of the excavation. Brush shall be left in piles or windrows for disposal by the owner. Contractors will be permitted to cut standing timber to the extent that may in the opinion of the Engineer be reasonably necessary for the operation of the excavating equipment. Timber necessarily cut shall be left on the property where found for the use or disposal by the owner.

8. **FENCES:** The Contractor will be permitted to remove fences to the extent necessary for excavating and levelling. Fences shall be replaced by the Contractor in as good condition as found so far as material permits. The Contractor shall obtain a statement in writing from the owners that they are satisfied with the treatment of the fences. Replacing of the fences shall be done to the satisfaction of the Engineer or Commissioner.

9. **EXCAVATION AT BRIDGE SITES:** The Contractor shall excavate the drain to full depth and as nearly as possible to the full width and slopes at bridge sites. Temporary bridges may be removed for this purpose and left at the side of the drain for the subsequent use of the owner in rebuilding. Permanent bridges are not to be damaged, the excavation if necessary being done by hand or team work.

10. BRIDGES: All bridges hereafter constructed or reconstructed, in order not to be regarded as obstructions, shall have a clear span equal to not less than twice the specified bottom width of the drain; culverts shall have a diameter not less than one foot more than the specified bottom width. These are minimum dimensions and must be increased when necessary to meet local conditions so that the free flow of water shall not be impeded.

11. ALLOWANCES FOR DAMAGES: The damages for which allowances are made include damages to lands on which the excavation is made as well as lands on which the excavated material, brush and other obstructions may be placed.



## CHAPTER 158

## An Act respecting the Township of Mosa

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Township of Mosa, <sup>Preamble</sup>  
hereinafter called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** By-laws Nos. 1783, 1785 and 1789 of the Corporation, <sup>By-laws confirmed</sup>  
passed respectively on the 5th day of September, the 5th day  
of September and the 19th day of September, 1964, and  
respectively authorizing the issue of debentures of the Cor-  
poration in the principal amount of \$1,750 for the construction  
of a drainage work in the Township of Mosa known as the  
“Donald Cartier Tile Drain”, in the principal amount of  
\$7,177 for the construction of a drainage work in the Town-  
ship of Mosa known as the “McConnell Drain”, and in the  
principal amount of \$3,893 for the construction of a drainage  
work in the Township of Mosa known as the “McIntyre  
Drain”, and each of which by-laws is set forth in the Schedule  
hereto, are hereby confirmed and declared to be legal, valid  
and binding upon the Corporation and the ratepayers thereof.

**2.** Sections 55, 56, 57 and 58 of *The Ontario Municipal* <sup>Application of</sup>  
*Board Act* apply in respect of By-laws Nos. 1783, 1785 and <sup>R.S.O. 1960, c. 274</sup>  
1789, referred to in section 1, and the debentures to be issued  
thereunder.

**3.** For the purposes of every Act, the Ontario Municipal <sup>Order of O.M.B.</sup>  
Board shall be deemed to have issued an order, pursuant to  
section 64 of *The Ontario Municipal Board Act*, authorizing  
the Corporation to proceed with the drainage works referred  
to in section 1 and authorizing the Corporation to pass By-  
laws Nos. 1783, 1785 and 1789 referred to in section 1.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The Township of Mosa Act, 1965*.

## SCHEDULE

BY-LAW No. 1783

TOWNSHIP OF MOSA

DONALD CARTIER TILE DRAIN

A BY-LAW to provide for a drainage works in the Township of Mosa in the County of Middlesex, and for borrowing on the credit of the municipality the sum of \$1,750.00 for completing the drainage works.

WHEREAS the requisite number of owners, as shown by the last revised assessment roll, of the property hereinafter set forth requiring drainage have petitioned the Council of the Township of Mosa praying that the following roads may be drained by a drainage works:

Lots 13 and 14 Concession 4, Lot 14 Concession 5, and road allowance between Concessions 4 and 5;

AND WHEREAS the Council has procured a report made by James D. Nisbet, O.L.S;

AND WHEREAS the Council is of the opinion that the drainage of the area described is desirable;

THEREFORE the Council of the Township of Mosa pursuant to *The Drainage Act, 1962-63* enacts as follows:

1. The report is hereby adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.

2. The Corporation of the Township of Mosa may borrow on the credit of the Corporation the sum of \$1,750.00 being the funds necessary for the drainage works not otherwise provided for; provided that such sum shall be reduced by the amount of grants and commuted payments with respect to lands and roads assessed, and may issue debentures of the Corporation to that amount in sums of not less than \$50 each, and payable within 5 years from the date such debentures with interest at the rate of six per cent per annum; these debentures without coupons to be paid annually beginning one year after date of issue; such debentures to be payable at the office of the Treasurer.

3. For paying the sum of \$1,189.00, the amount charged against such lands and roads for benefit, and the sum of \$561.00, the amount charged against such lands and roads for outlet liability, apart from lands and roads belonging to or controlled by the municipality, and for covering interest thereon for 5 years, at the rate of 6 per cent per annum, the total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the undermentioned parcels of land, and parts of parcels and roads, and the amount of the total special rates and interest against each parcel or part of parcel respectively shall be divided into 5 equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year for 5 years, after the passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 2 of section 64 of *The Drainage Act, 1962-63*, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

4. For paying the sum of \$1,750.00 the amount assessed against such roads and lands of the municipality, and for covering interest thereon for 5 years at the rate of 6 per cent per annum, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected in the same manner and at the same time as other taxes levied and collected upon and from the whole rateable property in the Township of Mosa in each year for 5 years after the passing of this by-law, during which the debentures have to run.

5. This by-law comes into force on the passing thereof, and may be cited as the DONALD CARTIER DRAIN BY-LAW No. 1783.

Con.	Lot	Owner	Assessment	Assessment less Provincial Aid	Interest	Annual Pay 5 years
4	13	D. Cartier.....	\$ 600.00	\$ 400.00	\$ 72.00	\$ 94.40
	14	D. Cartier.....	989.00	659.33	118.68	155.60
5	14	J. Martin.....	1.00	.67	.12	.16

NOTICE IS HEREBY GIVEN that a Court of Revision will be held at the Pratt's Siding School in the Township of Mosa on Saturday, September 5th, 1964 at the hour of 4.00 o'clock in the afternoon to hear and consider any complaint in respect of any matter in the said by-law over which the said Council has jurisdiction. All notices of appeal shall be served on the Clerk of the Municipality at least ten days prior to the first sitting of Court.

FURTHER NOTICE IS HEREBY GIVEN that anyone intending to appeal to have this by-law, or any part thereof, quashed, must not later than ten days after the final passing thereof, serve a notice in writing upon the Reeve and upon the Clerk of the Municipality of his intention to make application for that purpose to the Drainage Referee or other proper Court, during the six weeks after the final passing of this By-law.

DOUGALD A. McCALLUM,  
*Clerk of the Township of Mosa.*

I, Dougald A. McCallum, Clerk of the Municipality of the Township of Mosa, do hereby certify that the foregoing is a true copy of By-law 1783 provisionally adopted by the Municipal Council of the Township of Mosa on the 6th day of August, 1964.

DOUGALD A. McCALLUM,  
*Clerk of the Township of Mosa.*

READ THE FIRST AND SECOND TIME and provisionally adopted the 6th day of August, 1964.

DOUGALD A. McCALLUM,  
*Clerk.*

CALVERT REYCRAFT,  
*Reeve.*

READ THE THIRD TIME and finally adopted this 5th day of September, 1964.

DOUGALD A. McCALLUM,  
*Clerk.*

CALVERT REYCRAFT,  
*Reeve.*



BY-LAW No. 1785  
TOWNSHIP OF MOSA  
McCONNELL DRAIN

A BY-LAW to provide for a drainage works in the Township of Mosa in the County of Middlesex, and for borrowing on the credit of the municipality the sum of \$7,177.00 for completing the drainage works.

WHEREAS the requisite number of owners, as shown by the last revised assessment roll, of the property hereinafter set forth requiring drainage have petitioned the Council of the Township of Mosa praying that the following lands and roads may be drained by a drainage works:

South half lots 12, 13 and lots 14, 15, 16, 17, in the Township of Mosa, and parts of lots 17 and 27 in the Township of Euphemia. Road allowance concessions 4 and 5, 12-13 sideroad, 16-17 sideroad, Townline 2, in the Township of Mosa. Road allowance of Townline 2 in the Township of Euphemia;

AND WHEREAS the Council of the Township of Mosa has procured a report made by James D. Nisbet, P.Eng., O.L.S.;

AND WHEREAS the Council is of the opinion that the drainage of the area described is desirable;

THEREFORE the Council of the Township of Mosa pursuant to *The Drainage Act, 1962-63* enacts as follows:

1. The report is hereby adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.

2. The Corporation of the Township of Mosa may borrow on the credit of the Corporation the sum of \$7,177.00 being the funds necessary for the drainage works not otherwise provided for; provided that such sum shall be reduced by the amount of grants and commuted payments with respect to lands and roads assessed, and may issue debentures of the Corporation to the amount in sums of not less than \$50 each, and payable within 5 years from the date such debentures with interest at the rate of six per cent per annum; these debentures without coupons to be paid annually beginning one year after date of issue; such debentures to be payable at the office of the Treasurer.

3. For paying the sum of \$2,422.00, the amount charged against such lands and roads for benefit, and the sum of \$4,755.00, the amount charged against such lands and roads for outlet liability, apart from lands and roads belonging to or controlled by the municipality, and for covering interest thereon for 5 years, at the rate of 6 per cent per annum, the total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the undermentioned parcels of lands and parts of parcels and roads, and the amount of the total special rates and interest against each parcel or part of parcel respectively shall be divided into 5 equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year for 5 years, after the passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 2 of section 64 of *The Drainage Act, 1962-63*, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

4. For paying the sum of \$7,177.00, the amount assessed against such roads and lands of the municipality, and for covering interest thereon for 5 years at the rate of 6 per cent per annum, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected in the same manner and at the same time as other taxes levied and collected upon and from the whole rateable property in the Township of Mosa in each year for 5 years after the passing of this by-law, during which the debentures have to run.

5. This by-law comes into force on the passing thereof, and may be cited as the McCONNELL DRAIN By-LAW No. 1785.



## SCHEDULE OF ASSESSMENT

Lot	Owner	Assessment	Assessment less Provincial Aid	Interest	Annual Pay 5 years
<i>Concession Four—</i>					
W. 2/3 S. 1/2 12.....	J. Muxlow.....	\$ 397.00	\$264.67	\$ 47.64	\$ 62.46
N. 1/2 13.....	D. Cartier.....	628.00	418.67	75.36	98.81
Pt. S. 1/2 13 N. of Rly..	J. Florian.....	435.00	290.00	52.20	68.44
Pt. S. 1/2 13 S. of Rly..	N. Corlette.....	49.00	32.67	5.88	7.71
N. 1/2 14.....	D. Cartier.....	987.00	658.00	118.44	155.29
E. 1/2 S. 1/2 14.....	W. Cucksey.....	35.00	23.34	4.20	5.51
W. 1/2 S. 1/2 14.....	P. Shred.....	18.00	12.00	1.80	2.76
N. 1/2 15.....	L. Roobaert.....	839.00	559.34	100.68	132.00
N. 1/2 N. 1/2 16.....	A. Clements.....	178.00	118.67	21.36	28.01
S. 1/2 N. 1/2 16.....	C. Armstrong.....	29.00	19.34	3.48	4.56
Pt. 12 and 13.....	Can. Pac. Rly.....	29.00	.....	.....	.....
Pt. 17.....	K. Csenteý.....	12.00	8.00	1.44	1.89
<i>Concession Five—</i>					
W. 1/2 S. 1/2 13.....	L. Chevalier.....	59.00	39.34	7.08	9.28
S. 1/2 14.....	J. Martin.....	526.00	350.67	63.12	82.76
E. 1/2 S. 1/2 15.....	M. Osaka.....	494.00	329.14	59.28	77.72
W. 1/2 S. 1/2 15.....	S. Byers.....	370.00	246.67	44.40	58.21
N. 1/2 15.....	H. Covemaker.....	41.00	27.34	4.92	6.45
W. 1/2 S. 1/2 15.....	M. Tymchuk.....	122.00	81.34	14.64	19.20
Pt. S. 1/2 16.....	M. Tymchuk.....	167.00	111.34	20.04	26.28
S.E. 8 S. 1/2 16.....	W. B. and H. Mann	78.00	52.00	9.36	12.27
N.E. pt. S. 1/2 16.....	A. Clements.....	247.00	164.67	29.64	38.86
N. 1/2 16.....	A. Clements.....	111.00	74.00	13.32	17.46
W. 1/2 S. 1/2 16.....	N. Kulac.....	494.00	329.34	59.28	77.72
Gore N. 1/2 17.....	F. Smith.....	67.00	44.67	8.04	10.54
E. 1/2 17.....	L. Anakin.....	239.00	159.34	28.69	37.61
S. 1/2 17.....	A. Alward.....	82.00	54.67	9.84	12.90

## Special Assessment—

S. Byers.....	387.00	258.00	46.44	60.89
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READ THE FIRST AND SECOND TIME and provisionally adopted the 6th day of August, 1964.

DOUGALD A. McCALLUM, Clerk. CALVERT REYCRAFT, Reeve.

READ THE THIRD TIME and finally adopted this 5th day of September, 1964.

DOUGALD A. McCALLUM, Clerk. CALVERT REYCRAFT, Reeve.

## BY-LAW No. 1789

## TOWNSHIP OF MOSA

A BY-LAW to provide for a drainage works in the Township of Mosa in the County of Middlesex, and for borrowing on the credit of the municipality the sum of \$3,893.00 for completing the drainage works.

WHEREAS the requisite number of owners, as shown by the last revised assessment roll, of the property hereinafter set forth requiring drainage have petitioned the Council of the Township of Mosa praying that the following lands and roads may be drained by a drainage works:

Concession 3, Lot 6, and Con. 4, Lots 6 and 7, and road allowance between Concessions 3 and 4 and between Lots 4 and 5;

AND WHEREAS the Council has procured a report made by James D. Nisbet;

AND WHEREAS the Council is of opinion that the drainage of the area described is desirable;

THEREFORE the Council of the Township of Mosa pursuant to *The Drainage Act, 1962-63* enacts as follows:

1. The report is hereby adopted, and the drainage works as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.

2. The Corporation of the Township of Mosa may borrow on the credit of the Corporation the sum of \$3,893.00 being the funds necessary for the drainage works not otherwise provided for; provided that such sum shall be reduced by the amount of grants and commuted payments with respect to lands and roads assessed, and may issue debentures of the Corporation to that amount in sums of not less than \$50 each, and payable within 5 years from the date such debentures with interest at the rate of six per cent per annum; these debentures without coupons to be paid annually beginning one year after date of issue; such debentures to be payable at the office of the Treasurer.

3. For paying the sum of \$1,480.00, the amount charged against such lands and roads for benefit, and the sum of \$2,422.00, the amount charged against such lands and roads for outlet liability, apart from lands and roads belonging to or controlled by the municipality, and for covering interest thereon for 5 years, at the rate of 6 per cent per annum, the total special rates over and above all other rates shall be assessed, levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the undermentioned parcels of lands and parts of parcels and roads, and the amount of the total special rates and interest against each parcel or part of parcel respectively shall be divided into 5 equal parts, and one such part shall be assessed, levied and collected as aforesaid, in each year for 5 years, after the passing of this by-law, during which the debentures have to run, provided that no greater amount shall be levied than is required after taking into account and crediting the amount of grants under subsection 2 of section 64 of *The Drainage Act, 1962-63*, the amount of moneys paid under a by-law passed under subsection 4 of section 40 of that Act and commuted payments with respect to lands and roads assessed.

4. For paying the sum of \$3,893.00, the amount assessed against such roads and lands of the municipality, and for covering interest thereon for 5 years at the rate of 6 per cent per annum, a special rate, sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected in the same manner and at the same time as other taxes levied and collected upon and from the whole rateable property in the Township of Mosa in each year for 5 years after the passing of this by-law, during which the debentures have to run.

5. This by-law comes into force on the passing thereof, and may be cited as the MCINTYRE DRAIN BY-LAW No. 1789.

## SCHEDULE OF ASSESSMENT

Lot	Owner	Assessment	Assessment less Provincial Aid	Interest	Annual Pay 5 years
<i>Concession Three—</i>					
Pt. W. $\frac{1}{2}$ N. $\frac{1}{2}$ 4.....	J. Ferguson.....	\$ 7.00	\$ 4.67	\$ .85	\$ 1.10
W. $\frac{1}{2}$ N. $\frac{1}{2}$ 4.....	S. Paulik.....	48.00	32.00	5.75	7.55
N. $\frac{1}{2}$ exc. $\frac{1}{4}$ acre 5....	G. Munro.....	410.00	273.33	49.20	64.51
E. $\frac{1}{2}$ S. $\frac{1}{2}$ 5.....	S. Paulik.....	42.00	28.00	5.04	6.61
W. $\frac{1}{2}$ S. $\frac{1}{2}$ 5.....	R. Kulick.....	216.00	144.00	25.92	33.98
E. $\frac{1}{2}$ S. $\frac{1}{2}$ 6.....	R. Kulick.....	687.00	458.00	82.44	108.09
N. $\frac{1}{2}$ 6.....	J. Bailes.....	849.00	566.00	101.88	133.58
W. $\frac{1}{2}$ S. $\frac{1}{2}$ 6.....	R. Kulick.....	74.00	49.33	8.88	11.65
E. $\frac{1}{2}$ N. $\frac{1}{2}$ 7.....	J. Bailes.....	346.00	230.67	41.52	54.44
<i>Concession Four—</i>					
N. $\frac{1}{2}$ 6.....	J. D. Mitchell.....	10.00	6.67	1.20	1.57
S. $\frac{1}{2}$ exc. Rly. 5.....	G. Munro.....	74.00	49.33	8.88	11.65
E. $\frac{1}{2}$ S. $\frac{1}{2}$ exc. Rly. 6.D.	D. Munro.....	52.00	34.67	6.24	8.18
W. $\frac{1}{2}$ S. $\frac{1}{2}$ exc. Rly. 6.D.	D. Munro.....	44.00	29.33	5.28	6.93
N. $\frac{1}{2}$ 7.....	J. Livingston.....	323.00	215.33	38.76	50.82
E. $\frac{1}{2}$ S. $\frac{1}{2}$ exc. Rly. 7..	L. Gillies.....	313.00	208.67	37.57	49.25
E. $\frac{1}{2}$ W. $\frac{1}{2}$ S. $\frac{1}{2}$ exc. Rly. 7.....	D. Munro.....	68.00	45.33	8.16	10.70
W. $\frac{1}{4}$ S. $\frac{1}{2}$ exc. Rly. 7..	R. Dodds.....	28.00	18.67	3.36	4.41
N. $\frac{1}{2}$ 8.....	J. D. Mitchell.....	10.00	6.67	1.20	1.57
S. $\frac{1}{2}$ 8.....	H. McKelvie.....	10.00	6.67	1.20	1.57
<i>Special Assessment—</i>					
	R. Kulick.....	12.00	8.00	1.44	1.89
	J. Bailes.....	270.00	180.00	32.40	42.48

READ THE FIRST AND SECOND TIME and provisionally adopted the 15th day of August, 1964.

DOUGALD A. McCALLUM,  
Clerk.

CALVERT REYCRAFT,  
Reeve.

READ THE THIRD TIME and finally adopted this 19th day of September, 1964.

DOUGALD A. McCALLUM,  
Clerk.

CALVERT REYCRAFT  
Reeve.

## CHAPTER 159

## An Act respecting the Village of New Hamburg

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Village of New <sup>Preamble</sup>  
Hamburg, herein called the Corporation, by its petition  
has prayed for special legislation in respect of the matters  
hereinafter set forth; and whereas it is expedient to grant the  
prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The construction by The Corporation of the Village of <sup>Construction  
of well  
validated</sup>  
New Hamburg in 1963 of a 208 GPM Deep Well Water Supply,  
located between Jacob Street and the Nith River, adjacent  
to the Fair Grounds, is hereby validated and declared to be  
legal.

**2.** The borrowing by the Corporation from the Royal <sup>Borrowing  
validated</sup>  
Bank of Canada in 1963 of \$18,500 at  $5\frac{3}{4}$  per cent per annum  
used to defray the costs of such Deep Well Water Supply,  
repayable during the years 1964 to 1969, inclusive, in blended  
payments in the amounts of \$3,450, \$3,400, \$3,700, \$3,800,  
\$3,900 and \$4,000 respectively, is hereby declared to be legal,  
valid and binding upon the Corporation and the ratepayers  
thereof.

**3.** For the purposes of every Act, the Ontario Municipal <sup>Order  
of O.M.B.</sup>  
Board shall be deemed to have issued an order, pursuant to  
section 64 of *The Ontario Municipal Board Act*, authorizing <sup>R.S.O. 1960,  
c. 274</sup>  
the Corporation to proceed with the construction of such  
Deep Well Water Supply.

**4.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

**5.** This Act may be cited as *The Village of New Hamburg* <sup>Short title</sup>  
*Act, 1965.*





CHAPTER 160

An Act respecting the Township of North York

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Township of North York, herein called the Corporation, by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Corporation may pay out of a reserve fund established from current revenue in 1964 to the persons referred to in Column "A" the amount set forth in Column "B" opposite each name in the Schedule hereto.

Payment of  
claims re  
flooding

**2.** This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

**3.** This Act may be cited as *The Township of North York Act, 1965*.

Short title

## SCHEDULE

	COLUMN A	COLUMN B
<i>Caronport Crescent</i>		
31	Frederick Kracht.....	\$ 125.00
37	A. Corbett.....	625.00
38	J. A. Clement.....	500.00
43	William Phillips.....	475.00
49	W. T. Prozak.....	60.00
59	David Ellis.....	275.00
61	William Newstead.....	300.00
63	W. Warner.....	500.00
65	A. M. Sunter.....	525.00
<i>Daleena Drive</i>		
4	F. Phillips.....	300.00
6	T. C. Newton.....	165.00
<i>Lionel Heights Crescent</i>		
21	L. R. Farquhar.....	150.00
41	R. I. Harden.....	67.50
43	I. H. Evans.....	75.00
<i>Marthclare Ave.</i>		
42	Mark Golden.....	20.00
60	D. C. Ingram.....	41.00
62	Keith Cooper.....	500.00
<i>Red Willow Drive</i>		
5	D. E. Goldring.....	230.00
6	Sydney Hawtin.....	25.00
7	Richard Cairns.....	675.00
9	Robert Muckle.....	225.00
11	A. E. Connor.....	400.00
<i>Corner Brook Drive</i>		
21	W. White.....	125.00
25	F. Edmunds.....	75.00
31	Douglas Bowley.....	375.00
33	W. McKay.....	125.00
34	John Langridge.....	35.00

## COLUMN A

## COLUMN B

*Corner Brook Drive—Continued*

35	C. Davison.....	\$ 40.00
37	John Kawaguchi.....	125.00
39	Reginald Cooper.....	550.00
41	The Board of Managers, Calvary Church.....	250.00
43	Frank S. Holt.....	400.00
49	J. C. Keating.....	575.00
51	Charles Szmettan.....	625.00
53	Mrs. Elizabeth Nagy.....	100.00
57	Allan Johnston.....	20.00
59	Henry Reffberg.....	850.00
78	Felix Hoensch.....	40.00
79	Floyd Seyler.....	55.00
80	C. B. Williamson.....	75.00
83	Tibor Sienasi.....	500.00
85	R. Ewing.....	100.00
86	L. Klamas.....	250.00
87	L. Thiessen.....	250.00
88	E. Lipp.....	850.00
89	Werner Reimer.....	450.00
90	John Douglas.....	75.00
91	Nicholas Hulst.....	125.00
93	David Koponen.....	825.00
95	John Sangster.....	75.00
97	John Wilson.....	100.00
101	James Neville.....	450.00

*Coral Cove Crescent*

9	Harold Clements.....	25.00
12	Donald Partington.....	500.00
16	Milan Korcok.....	475.00
18	John Cooper.....	400.00
20	E. Czuchnicki.....	450.00
22	S. R. Donaldson.....	100.00
35	Edgar Osborne.....	15.00
37	Richard Ranney.....	50.00

	COLUMN A	COLUMN B
<i>Monarchwood Crescent</i>		
1	F. Santini.....	\$ 200.00
6	J. J. Godawa.....	427.50
11	J. H. Curtis.....	1,000.00
12	T. Merrilees.....	100.00
14	Roy Burke.....	300.00
39	J. E. Klein.....	100.00
<i>Roanoke Road</i>		
25	E. Wilkinson.....	150.00
31	Douglas Papple.....	56.50
37	Charles Tilbury.....	77.00
45	Frank Chalmers.....	25.00
46	John A. Kerr.....	1,000.00
47	D. B. Jarvis.....	275.00
49	D. J. Megaffin.....	79.00
51	Nicholas Kilburn.....	125.00
<i>Nordic Place</i>		
1	I. Daley.....	10.00
2	D. J. Bailey.....	75.00
3	K. C. Hill.....	700.00
4	Glen Harding.....	75.00
6	J. E. Hancock.....	200.00
<i>Broadlands Blvd.</i>		
11	A. Esson.....	1,025.00
15	J. Coome.....	1,000.00
17	Allan Scheftel.....	400.00
18	P. Kocsardy.....	1,700.00
19	G. Wilson.....	750.00
20	J. McQuade.....	60.00
21	A. R. W. Jones.....	850.00
22	A. L. D'Eon.....	950.00
23	Keith Yates.....	525.00
24	W. N. Houston.....	100.00
25	D. J. Mudie.....	400.00
27	John Nugent.....	300.00

## COLUMN A

## COLUMN B

*Broadlands Blvd.—Continued*

29	J. P. Leger.....	\$ 600.00
31	Jacqueline Erskine and C. A. Weir.	355.00
33	Hans Ballman.....	450.00
35	V. L. Day.....	275.00
43	Anthony Azzarello.....	600.00
45	D. C. MacGregor.....	1,800.00
46	T. Cresswell.....	Nil
47	Rev. H. Amey.....	1,300.00
49	James Bagley.....	175.00
51	G. Stone.....	100.00
55	G. Haddleton.....	135.00
123	John Shewan.....	150.00
125	L. Leeson.....	50.00

*Greengrove Crescent*

1	Henry Cooke.....	105.00
3	George Campbell.....	Nil
5	Peter Scott.....	800.00
7	Frank Roberts.....	900.00
9	E. Sano.....	500.00
11	R. L. Jones.....	500.00
15	A. C. Knight.....	350.00
17	Helmut Mueller.....	675.00
19	Raymond Berry.....	5.75
19	E. Pike.....	610.00
21	Doctor D. Wright.....	600.00
38	L. E. Henne.....	425.00
40	R. S. Little.....	125.00
42	W. J. Simpson.....	500.00
43	John M. Walroth.....	150.00
44	C. Dusome.....	400.00
47	A. M. Ballantyne.....	175.00
49	E. Morelli.....	125.00
51	Edward Iglar.....	35.00



	COLUMN A	COLUMN B
<i>Royal Doulton Drive</i>		
27	R. B. Langlois.....	\$ 420.00
<i>Underhill Drive</i>		
26	Apt. 411, M. P. Dunn.....	300.00
<i>Doonaree Drive</i>		
2	James Alexander.....	495.00
4	H. A. Brown.....	625.00
6	D. B. Rattray.....	612.00
8	Frank Ford.....	215.00
14	Edward Cottenden.....	75.00
15	L. Janiec.....	100.00
16	T. Yonekura.....	65.00
17	Helmut Dieners.....	315.00
18	A. B. Reeve.....	25.00
19	Louis Martin.....	100.00
20	John Rae.....	250.00
21	George Hill.....	125.00
22	Barry Mander.....	400.00
23	Murray Reid.....	50.00
23	W. Waddell.....	150.00
24	David Meyers.....	100.00
25	Leonard Mile.....	175.00
26	Frederick Staples.....	150.00
27	Kenneth Loach.....	225.00
28	George Baker.....	400.00
29	William Coveyduck.....	250.00
30	Gerald Kelly.....	50.00
31	Paul Adams.....	250.00
32	Stephen Taylor.....	375.00
33	Charles Morrison.....	200.00
35	Richard J. McGill.....	800.00
36	Frank Allen.....	100.00
37	A. R. Munro.....	300.00
38	Ian Ritchie.....	200.00
39	Raymond Esler.....	438.61

	COLUMN A	COLUMN B
<i>Doonaree Drive—Continued</i>		
40	Charles Colquhoun.....	\$ 500.00
41	John Needham.....	2,000.00
42	I. G. Fultz.....	175.00
43	John Peterson.....	225.00
44	W. R. McClintock.....	375.00
45	J. E. Till.....	50.00
46	D. B. Dyson.....	600.00
47	H. M. Nelson.....	500.00
48	S. Craig.....	1,500.00
49	L. Lowcock.....	1,000.00
51	F. D. Walsh.....	1,100.00
52	E. J. Murray.....	2,400.00
53	H. C. Mann.....	75.00
54	Catherine Linke.....	1,300.00
55	G. S. Craig.....	500.00
56	D. Dunlop.....	300.00
57	T. Gieroszczak.....	700.00
60	W. G. Morgan.....	550.00
62	J. A. McDonald.....	1,600.00
64	M. Brookes.....	100.00



## CHAPTER 161

**An Act to incorporate  
The Ontario Speech and Hearing Association**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS the persons named in section 2 by their <sup>Preamble</sup> petition have represented that they, together with the other members of an unincorporated association called The Ontario Speech and Hearing Association, herein called the unincorporated association, are desirous of being incorporated under the name of "The Ontario Speech and Hearing Association", herein called the Association, for the purposes of increasing the knowledge, skill and proficiency of the members of the Association in the field of speech pathology and audiology, of establishing and maintaining a high standard of ethical practice and research for the members of the Association and of carrying out the objects of the Association; and whereas the petitioners have prayed that special legislation be passed for such purposes; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,****Interpre-  
tation**

- (a) "audiologist" means a person engaged in the practice of audiology;
- (b) "audiology" means the assessment, diagnosis, examination and treatment of and research in disorders of hearing;
- (c) "speech pathology" means the assessment, diagnosis, examination and treatment of and research in disorders of speech, voice and language formulation;
- (d) "speech therapist" and "speech pathologist" mean a person engaged in the practice of speech pathology.

Association  
incorporated

**2.** Elizabeth Bowie, Margaret Stoicheff, Joseph V. Klein and Anthony Bowie, all of the City of Toronto in the County of York, and all other persons who on the day this Act comes into force are members in good standing of the unincorporated association and such persons as may hereafter become members of the Association, are hereby constituted a body corporate and politic under the name "The Ontario Speech and Hearing Association".

Head office

**3.** The head office of the Association shall be at the City of Toronto, in the County of York, until changed by special resolution under *The Corporations Act*.

R.S.O. 1960,  
c. 71

Objects

**4.** The objects of the Association are to increase the knowledge, skill and proficiency of its members, to establish a high standard of ethical practice and research for its members, to increase the dissemination of information about speech pathology and audiology, and to encourage and promote the advancement of standards of training in speech pathology and audiology.

Membership

**5.—(1)** Any person who is of the full age of twenty-one years or more and provides satisfactory evidence of good character may, in accordance with the by-laws of the Association, be admitted to membership in the Association,

- (a) if he holds a Master's degree granted by a university in Ontario in speech pathology or audiology or in a field that, in the opinion of the Executive Council, is directly related to either of them; or
- (b) if he holds a degree or a diploma granted by any university, whether in Canada or elsewhere, that, in the opinion of the Executive Council, is equivalent to the degree required under clause a; or
- (c) if he holds membership in good standing in a professional speech and hearing association having standards for admission to membership that, in the opinion of the Executive Council, are equivalent to those required under clause a; or
- (d) if he is a resident of Ontario who, within one year after the day this Act comes into force, files an application in that behalf with the Executive Council and satisfies the Executive Council that, by reason of experience, training or examination, he possesses qualifications equivalent to those required for the degree required under clause a.



(2) No corporation, partnership or association of persons shall be registered as a member of the Association. Corporation registration prohibited

6.—(1) The Association may acquire by purchase, lease, gift, devise, bequest or otherwise and hold real and personal property for its objects, and may alienate, exchange, lease, mortgage or otherwise dispose of such real and personal property or any part thereof as occasion may require. Real and personal property

(2) The Executive Council may pass by-laws providing that, upon the dissolution of the Association and after payment of all debts and liabilities, any remaining property of the Association or any part thereof may be distributed or disposed of among charitable, professional or educational organizations or among organizations whose objects are beneficial to the community. Distribution of property on dissolution

(3) No by-law enacted under subsection 2 is effective until it has been confirmed by two-thirds of the votes cast at a general meeting of members duly called for that purpose. Idem

7.—(1) A president, vice-president, secretary and treasurer shall be elected by the members of the Association from among their number for such terms and in such manner as the by-laws provide, and the Executive Council may elect or appoint such other officers for such terms and in such manner as the by-laws provide. Officers

(2) The same person may hold more than one office. Holding of two offices

8.—(1) There shall be a council of the Association, herein called the Executive Council, which shall control and manage the affairs of the Association. Executive Council

(2) The Executive Council shall consist of the President, Vice-President, Secretary and Treasurer of the Association and not fewer than five and not more than eleven other members as the by-laws prescribe, all of whom shall be elected for such term, and in such manner as the by-laws provide. Constitution

(3) In the case of the death, resignation or incapacity of any member of the Executive Council, the office may be declared vacant by the Executive Council, and the Executive Council may fill the vacancy in such manner as the by-laws provide, and absence from three consecutive meetings may be treated by the Executive Council as incapacity. Vacancies

(4) At any meeting of the Executive Council, five members of the Executive Council constitute a quorum. Quorum

Continuation (5) The members of the executive council and officers of the unincorporated association at the time this Act comes into force shall constitute the members of the Executive Council and officers of the Association, and shall hold office for one year after the day this Act comes into force unless their successors are sooner elected or appointed as this Act or the by-laws provide.

By-laws

9.—(1) The Executive Council may pass by-laws,

- (a) prescribing the number and the terms of office of the members of the Executive Council;
- (b) providing for the election of the members of the Executive Council and for the filling of vacancies thereon;
- (c) providing for the election or appointment of officers of the Association and prescribing their powers and duties;
- (d) providing for the remuneration and reimbursement of members of the Executive Council and of the officers and employees of the Association;
- (e) prescribing the notice, time, place, procedure and order of business of meetings of the members and of the Executive Council;
- (f) providing for the management of any real or personal property of the Association, including the investment of any money not immediately required for the purposes of the Association in securities in which trust moneys may be invested by law;
- (g) prescribing a code of ethics to govern the discipline, conduct and control of members and associates;
- (h) providing for the keeping of books and records of the Association and the auditing thereof;
- (i) instituting and providing means for increasing the knowledge and skill of the members, and for maintaining a high standard of professional ethics for members and associates;
- (j) providing for the establishment and operation of committees;
- (k) respecting the admission and expulsion of members;

- (l) providing for and prescribing the terms and conditions upon which persons may become honorary members and associates of the Association;
- (m) prescribing fees for members and associates;
- (n) establishing a tariff of suggested charges for services by members to their patients for the guidance of members;
- (o) respecting any other matter deemed necessary or advisable relative to the affairs, business and property of the Association, its management, government, aims, objects and interests.

(2) A by-law passed under subsection 1, unless in the meantime confirmed at a general meeting of members duly called for that purpose, is effective only until the next annual meeting of members unless confirmed thereat, and, if the by-law is not confirmed thereat, it ceases to have effect, and no by-law of the same or like substance passed thereafter is effective until confirmed at a general meeting of members. <sup>Approval of by-laws</sup>

**10.** Associates and honorary members shall have and enjoy all the rights and privileges of members, other than the right to vote upon any question before the Association and the right to hold office in the Association. <sup>Rights of associates, etc.</sup>

**11.** Nothing in this Act affects the practice of any profession or calling by any person practising the same under any general or special Act, and nothing in this Act or the by-laws passed by the Executive Council pursuant to this Act shall be taken or deemed to relieve any person from compliance with any general or special Act relating to the practice of any profession or calling. <sup>Application of Act</sup>

**12.** This Act comes into force on the day it receives Royal Assent. <sup>Commencement</sup>

**13.** This Act may be cited as *The Ontario Speech and Hearing Association Act, 1965*. <sup>Short title</sup>



CHAPTER 162

An Act respecting the City of Oshawa

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of Oshawa by <sup>Preamble</sup>  
its petition has prayed for special legislation in respect  
of the matter hereinafter set forth; and whereas it is expedient  
to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The council of The Corporation of the City of Oshawa <sup>Grants  
authorized</sup>  
may pass by-laws for making grants to The Women's Welfare  
League of Oshawa to help defray the cost of operating the  
recreational centre known as Simcoe Hall Boys' Club in the  
City of Oshawa.

**2.** This Act comes into force on the day it receives Royal <sup>Commence-  
ment</sup>  
Assent.

**3.** This Act may be cited as *The City of Oshawa Act, 1965*. <sup>Short title</sup>





## CHAPTER 163

## An Act respecting the City of Ottawa

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of Ottawa, Preamble  
herein called the Corporation, by its petition has  
prayed for special legislation in respect of the matters herein-  
after set forth; and whereas it is expedient to grant the prayer  
of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.**—(1) Subsection 1 of section 3 of *The City of Ottawa Act*, 1960, c. 161,  
1960 is repealed and the following substituted therefor: R.S.O. 1960,  
re-enacted

(1) Notwithstanding *The Municipal Act*, the council Pedestrian  
promenades  
R.S.O. 1960,  
c. 249  
of the Corporation may, on a petition of or with the  
consent of a majority of the owners representing  
at least one-half of the value of the lots to be assessed  
and subject to the approval of the Ontario Municipal  
Board and the Minister of Transport, pass by-laws  
for establishing all or any part of any highway under  
the jurisdiction of the City of Ottawa solely or  
principally as a pedestrian promenade and for  
prohibiting the use thereof by vehicles or any class  
thereof, and for permitting the obstruction of the  
promenade in such manner and to such extent as  
the council may deem desirable.

(2) The said section 3 is amended by adding thereto the 1960,  
c. 161, s. 3,  
amended  
following subsections:

(4) Subject to the approval of the Ontario Municipal Apportion-  
ment of cost  
Board, the cost of establishing, operating and main-  
taining a pedestrian promenade in the City of  
Ottawa shall be apportioned between the Corpora-  
tion and the owners of property abutting on a  
pedestrian promenade as the council of the Cor-  
poration may prescribe, provided that the owners'  
portion of the cost shall be specially assessed upon

the

- the lots abutting directly on a pedestrian promenade, and in this respect the provisions of *The Local Improvement Act* apply *mutatis mutandis*.
- R.S.O. 1960,  
c. 223
- Authority (5) The council of the Corporation may pass by-laws for establishing an authority to be known as "The Pedestrian Promenade Authority of the City of Ottawa", herein called the Authority, and may entrust to the Authority the construction, maintenance, control, operation and management of pedestrian promenades within the municipality.
- Authority  
body  
corporate,  
membership (6) The Authority is a body corporate and shall consist of five members, each of whom shall be a person qualified to be elected a member of the council of the Corporation and shall be appointed by the council on the affirmative vote of at least two-thirds of the members of the council present and voting, and the members so appointed shall hold office for three years and until their successors are appointed.
- Vacancies (7) Where a vacancy in the Authority occurs from any cause, the council shall appoint immediately a person qualified as set out in this section to be a member, who shall hold office for the remainder of the term for which his predecessor was appointed.
- Re-appoint-  
ment (8) Any member is eligible for re-appointment on the expiration of his term of office.
- Remunera-  
tion (9) The members of the Authority may be paid such salary or other remuneration as may be fixed by by-law of the council with the approval of the Department of Municipal Affairs.
- Powers (10) Upon the passing of the by-law establishing the Authority, all the powers, rights, duties, obligations, authorities and privileges conferred on and duties imposed on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of pedestrian promenades shall be exercised by the Authority, but subject to such limitations as the by-law may provide.
- Commence-  
ment **2.** This Act comes into force on the day it receives Royal Assent.
- Short title **3.** This Act may be cited as *The City of Ottawa Act, 1965*.

## CHAPTER 164

**An Act respecting  
Owen Sound General and Marine Hospital**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS Owen Sound General and Marine Hospital <sup>Preamble</sup> by its petition has represented that prior to the 30th day of April, 1891, a group of citizens of the then Town of Owen Sound and environs formed an association known as The Owen Sound General and Marine Hospital Trust, that the association proceeded to solicit subscriptions for funds to acquire a site for, and to erect and maintain, a hospital to heal the sick, that it is recited in the earliest records of the association that Owen Sound General and Marine Hospital was duly incorporated on the 30th day of April, 1891, under the provisions of *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887, that under the provisions of such Act one of the requirements for incorporation is the filing of a declaration either with the Provincial Registrar or the Clerk of the Peace in the county where the association is to hold its annual and general meetings, that no copy of the declaration required by such Act to be so filed can be found nor can any record of filing as aforesaid be located, and that on the original seal appears the following: "Owen Sound General and Marine Hospital Heal the Sick Incorporated 1891"; and whereas the petitioner has prayed for special legislation to confirm the corporate existence of Owen Sound General and Marine Hospital as of the 30th day of April, 1891; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Owen Sound General and Marine Hospital shall be conclusively deemed to have been incorporated without share capital under the laws of the Province of Ontario as of the 30th day of April, 1891, to erect, maintain and operate a hospital to heal the sick, with its head office at the City of Owen Sound in the County of Grey in the Province of Ontario. <sup>Corporate  
existence  
confirmed</sup>

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** This Act may be cited as *The Owen Sound General and Marine Hospital Act, 1965*.



## CHAPTER 165

## An Act respecting the County of Peel

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the County of Peel by <sup>Preamble</sup> its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

**Interpre-  
tation**

- (a) "Council" means the council of the County;
- (b) "County" means The Corporation of the County of Peel;
- (c) "local municipality" means a town, village or township in the County that is not separated therefrom for municipal purposes;
- (d) "municipal electors" means the persons entitled to vote at a municipal election;
- (e) "vote" or "votes" means the vote or votes of a member of the Council.

**2.** Notwithstanding subsection 1 of section 26 and subsection 3 of section 31 of *The Municipal Act*, the Council shall be composed not only of the reeves and deputy reeves of the local municipalities but shall also include an additional member from each local municipality that has more than 10,000 municipal electors, or two additional members from each local municipality that has more than 21,000 municipal electors, or three additional members from each local municipality that has more than 49,000 municipal electors, or, in the case of local municipalities having more than 109,000 municipal electors, there shall be four additional members plus a further additional member for each additional 60,000 municipal electors in that local municipality.

**Additional  
members of  
Council**  
R.S.O. 1960,  
c. 249

Who may  
be additional  
member

3.—(1) Where under this Act a local municipality is entitled to additional representation on the Council, such additional member or members shall be appointed by a by-law of the council of that local municipality, and any person named shall be a member of that council, provided that, if all the members of that council are already members of the Council, the additional member or members may be appointed, in the same manner, from the municipal electors of that local municipality.

Appoint-  
ments in  
numerical  
order

(2) Where a local municipality is entitled to appoint more than one additional member to the Council, it shall, for the purposes of section 4, designate the persons appointed in numerical order, beginning with the first additional member, the second additional member, and continuing in like manner until all such additional members have been designated numerically.

Number of  
votes  
R.S.O. 1960,  
c. 249

4.—(1) Notwithstanding subsection 2 of section 26 of *The Municipal Act* and subject to subsection 2, the votes that the members of the Council shall have shall be as follows:

- (a) where a local municipality has more than 2,000 but not more than 3,000 municipal electors, the reeve shall have two votes and the deputy reeve shall have one vote;
- (b) where a local municipality has more than 3,000 but not more than 5,000 municipal electors, the reeve shall have two votes and the deputy reeve shall have two votes;
- (c) where a local municipality has more than 5,000 but not more than 7,000 municipal electors, the reeve shall have three votes and the deputy reeve shall have two votes;
- (d) where a local municipality has more than 7,000 but not more than 49,000 municipal electors, the reeve shall have three votes and the deputy reeve shall have three votes;
- (e) where a local municipality has more than 10,000 but not more than 13,000 municipal electors, the first additional member shall have one vote;
- (f) where a local municipality has more than 13,000 but not more than 17,000 municipal electors, the first additional member shall have two votes;

(g)

- (g) where a local municipality has more than 17,000 municipal electors, the first additional member shall have three votes;
- (h) where a local municipality has more than 21,000 but not more than 25,000 municipal electors, the second additional member shall have one vote;
- (i) where a local municipality has more than 25,000 but not more than 29,000 municipal electors, the second additional member shall have two votes;
- (j) where a local municipality has more than 29,000 municipal electors, the second additional member shall have three votes;
- (k) where a local municipality has more than 49,000 municipal electors, the third additional member shall have one vote, and shall have one additional vote for each additional 20,000 municipal electors above the number at which he was appointed, to a maximum of three votes in all;
- (l) where a local municipality has more than 109,000 municipal electors, each additional member appointed after the third additional member shall have one vote, and shall have one additional vote for each additional 20,000 municipal electors above the number at which he was appointed, to a maximum of three votes in all.

(2) No member of the Council shall have more than three votes. Limitation on number of votes

5. Section 200 of *The Municipal Act* applies *mutatis mutandis*. Voting in committee R.S.O. 1960, c. 249

6.—(1) Subsection 2 of section 33 of *The Municipal Act* applies to sections 2, 3 and 4 of this Act. How number of municipal electors determined

(2) The clerk of each local municipality shall make the return prescribed by subsection 3 of section 33 of *The Municipal Act* whether or not the local municipality has fewer than 10,000 municipal electors, and subsection 4 of the said section 33 applies. Certificate of clerk

7.—(1) A local municipality having a mayor may, by a by-law enacted before the first meeting of the Council in any year, provide that the mayor shall represent the local municipality on the Council in place of either the reeve or the deputy reeve, and, if such a by-law is enacted, Mayor may represent reeve or deputy reeve

(a)

- (a) the mayor may not be appointed as an additional member under section 2 as long as the by-law remains in force; and
- (b) the mayor shall continue to sit on the Council in place of the reeve or deputy reeve, as the case may be, until at least the 31st day of December in that year; and
- (c) the mayor shall have the same number of votes as the reeve or deputy reeve whom he replaces would have had as a member of the Council.

Reeve or  
deputy  
replaced  
to be first  
additional  
member

(2) If a by-law is passed pursuant to subsection 1, the reeve or deputy reeve, as the case may be, who is replaced by the mayor shall, while the by-law remains in force, be the first additional member appointed to the Council by such local municipality.

Mayor may  
be first  
additional  
member

(3) If a local municipality having a mayor does not pass a by-law pursuant to subsection 1, the mayor shall be the first additional member appointed to the Council by such local municipality.

Two-thirds  
vote on  
borrowing  
by-laws  
R.S.O. 1960,  
c. 249

**8.** Notwithstanding clause *v* of section 1 and section 196 of *The Municipal Act*, no by-law presented to the Council for the purpose of borrowing money may be passed unless the votes cast for the affirmative represent at least two-thirds of the total number of votes cast.

Commence-  
ment

**9.** This Act comes into force on the 1st day of January, 1966.

Short title

**10.** This Act may be cited as *The County of Peel Act, 1965*.

CHAPTER 166

An Act respecting  
the Pentecostal Assemblies of Canada

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS the Pentecostal Assemblies of Canada by its Preamble petition has prayed for special legislation to relieve it from certain effects of *The Mortmain and Charitable Uses Act*; R.S.O. 1960, c. 246 and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Pentecostal Assemblies of Canada is hereby em-<sup>Power to acquire land</sup>powered from time to time to acquire in mortmain, to hold in perpetuity and to assure in mortmain any land in the Province of Ontario necessary for the actual use and occupation of the Pentecostal Assemblies of Canada or for carrying on its undertaking.

**2.** Land acquired or held by the Pentecostal Assemblies of Canada shall be disposed of by it within seven years from the time when the land ceases to be necessary for the actual use and occupation of the Pentecostal Assemblies of Canada or for carrying on its undertaking.<sup>Disposition when no longer required</sup>

**3.** This Act shall be deemed to have come into force on the 1st day of February, 1965.<sup>Commencement</sup>

**4.** This Act may be cited as *The Pentecostal Assemblies of Canada Act, 1965*.<sup>Short title</sup>





## CHAPTER 167

## An Act respecting The Royal Canadian Legion

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

**W**HEREAS The Royal Canadian Legion by its petition <sup>Preamble</sup> has represented that it was incorporated by *An Act to incorporate The Canadian Legion of the British Empire Service League*, being chapter 84 of the Statutes of Canada, 1948, herein called the Act of Incorporation, which was amended by *An Act respecting The Canadian Legion*, being chapter 83 of the Statutes of Canada, 1960-61; that The Royal Canadian Legion is composed of a number of constituent or subordinate branches, each of which is an autonomous body, and also of a number of commands among which are the Ontario Command, the Dominion Command and certain branches operating within Ontario forming part of the Manitoba and North-western Ontario Provincial Command; and that by the Act of Incorporation branches and commands of The Royal Canadian Legion may hold, possess or acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise any real or immovable property necessary or useful for the carrying out of its purposes or objects, and may sell, lease, mortgage, pledge, hypothecate or alienate such property in any manner; and whereas the petitioner has prayed that an Act be passed for the purpose of regulating in Ontario the holding of real property by such commands and branches; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Ontario Command of The Royal Canadian Legion and those duly constituted branches of the Manitoba and Northwestern Ontario Provincial Command operating within Ontario, and the Dominion Command and every duly constituted branch of The Royal Canadian Legion within Ontario, may hold, possess or acquire by purchase, lease, exchange, donation, devise, bequest, endowment or otherwise any real property necessary or useful for the carrying out of their respective purposes and objects, and may sell, lease, mortgage, pledge, hypothecate or alienate such property, or any part of it, in any manner.

Power of  
commands  
and branches  
to hold  
property

Registration  
of property  
of commands  
and branches

**2.**—(1) The real property of a command or a duly constituted branch of The Royal Canadian Legion in Ontario may be registered in the proper registry or land titles office in the name of such command or branch.

Names of  
commands  
and branches

(2) The names of the commands shall be as set out in section 1, and the name of each duly constituted branch shall be the name appearing in its charter issued by the Dominion Command.

Registration  
of certi-  
ficate, as to  
constitution  
of branch

**3.**—(1) The President and the Secretary for the time being of any such command or branch may register in the proper registry or land titles office a certificate, signed by each of them under the seal of the command or branch, as the case may be, that such command or branch of The Royal Canadian Legion within Ontario has been duly constituted as a command or branch of The Royal Canadian Legion and is in good standing, and thereupon the command or branch shall have and be entitled to all the rights, powers and privileges as are herein conferred upon such command or branch of The Royal Canadian Legion.

as to  
suspension  
of branch

(2) Where, pursuant to the Act of Incorporation, the charter or powers of any branch of The Royal Canadian Legion operating within Ontario are suspended, the President and the Secretary for the time being of the Dominion Command, the Ontario Command or the Manitoba and Northwestern Ontario Provincial Command may register in the proper registry or land titles office a certificate, signed by each of them under the seal of the command, that the branch has been suspended, and thereupon the real property held in the name of the branch vests in the command, and, where the real property is registered under *The Land Titles Act*, the master of titles shall enter the command as the owner of the real property.

R.S.O. 1960,  
c. 204

Seal

**4.** Every command and branch operating within Ontario shall have an official seal of such design as may be determined by the Dominion Command of The Royal Canadian Legion.

Signatures

**5.** All deeds, bonds, mortgages, transfers, assurances, conveyances, contracts and other instruments with respect to real property shall be executed under the seal of the command or duly constituted branch attested by the signatures of the President and the Secretary for the time being of the command or branch.

Instruments  
to refer to  
Act

**6.** Every certificate under this Act and every instrument under which real property or an interest therein is vested in or acquired by a command or a duly constituted branch of The Royal Canadian Legion shall include a reference to this Act.

**7.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>Assent.<sub>ment</sub>

**8.** This Act may be cited as *The Royal Canadian Legion* <sup>Short title</sup>  
*Act, 1965.*





## CHAPTER 168

**An Act respecting  
the Township of Scarborough**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Township of Scar-<sup>Preamble</sup>  
borough by its petition has prayed for special legislation  
in respect of the matter hereinafter set forth; and whereas  
it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The council of The Corporation of the Township of<sup>Retirement</sup>  
Scarborough may, by by-law, provide for the granting of an<sup>allowance</sup>  
annual retirement allowance to Marie Hunt during her life  
of \$985.32, payable in monthly instalments of \$82.11.

**2.** This Act comes into force on the day it receives Royal<sup>Commence-</sup>  
Assent.<sup>ment</sup>

**3.** This Act may be cited as *The Township of Scarborough*<sup>Short title</sup>  
*Act, 1965.*



## CHAPTER 169

## An Act respecting the Municipality of Shuniah

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Municipality of Shuniah, in the District of Thunder Bay, by its petition has prayed for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** *The Municipality of Shuniah Act, 1936* is amended by <sup>1936, c. 83,</sup> adding thereto the following section: <sup>amended</sup>

**4a.** The Public School Board of the Township School Area of the Municipality of Shuniah shall be composed of seven trustees, elected in accordance with *The Public Schools Act*, four of such trustees to be elected by the electors of McIntyre Ward, two of such trustees to be elected by the electors of McGregor Ward and one of such trustees to be elected by the electors of McTavish Ward, and, in the event that a board of education is established hereafter for The Corporation of the Municipality of Shuniah in accordance with *The Secondary Schools and Boards of Education Act*, the board shall have seven elective members, four to be elected by the electors of the McIntyre Ward, two to be elected by the electors of the McGregor Ward and one to be elected by the electors of the McTavish Ward, in the manner prescribed in *The Secondary Schools and Boards of Education Act*.

Number of school trustees

R.S.O. 1960, c. 330

R.S.O. 1960, c. 362

**2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-</sup>

ment

**3.** This Act may be cited as *The Municipality of Shuniah Act, 1965*. <sup>Short title</sup>



## CHAPTER 170

## An Act respecting the City of St. Thomas

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of St. Thomas <sup>Preamble</sup>  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** The agreement between The Memorial Hospital Trust, <sup>Agreement</sup>  
The St. Thomas-Elgin General Hospital and The Corporation <sup>validated</sup>  
of the City of St. Thomas, dated the 11th day of January,  
1965, and set forth as the Schedule hereto, is hereby confirmed  
and declared to be legal, valid and binding.

**2.** All donations, gifts, devises and bequests heretofore or <sup>Trust</sup>  
hereafter made to or in trust for Amasa Wood Hospital, <sup>property</sup>  
Memorial Hospital, Elgin Memorial Hospital or The Memorial <sup>vested in</sup>  
Hospital Trust, together with any unexpended income there- <sup>General</sup>  
from, are hereby vested in The St. Thomas-Elgin General <sup>Hospital</sup>  
Hospital. <sup>free of</sup>  
<sup>existing</sup>  
<sup>trusts</sup>

**3.** The Memorial Hospital Trust, a corporation incor- <sup>Memorial</sup>  
porated by *An Act respecting the Amasa Wood Hospital in the* <sup>Hospital</sup>  
*City of St. Thomas*, being chapter 123 of the Statutes of On- <sup>Trust</sup>  
tario, 1919, and renamed by section 5 of *An Act respecting* <sup>dissolved</sup>  
*the City of St. Thomas*, being chapter 86 of the Statutes of  
Ontario, 1923, is hereby dissolved.

**4.** The following are repealed: <sup>Repeal:</sup>

1. *An Act respecting the Amasa Wood Hospital in the* <sup>1919, c. 123</sup>  
*City of St. Thomas.*

2. Section 5 of *An Act respecting the City of St. Thomas.* <sup>1923, c. 86,</sup>  
<sup>s. 5</sup>

**5.** Section 4 of *The City of St. Thomas Act, 1954* is repealed. <sup>1954, c. 131,</sup>  
<sup>s. 4,</sup>  
<sup>repealed</sup>

**6.**



Commence-  
ment

**6.** This Act comes into force on the day it receives Royal Assent.

Short title

**7.** This Act may be cited as *The City of St. Thomas Act, 1965*.

## SCHEDULE

MEMORANDUM OF AGREEMENT made this Eleventh day of January, 1965,

BETWEEN:

THE MEMORIAL HOSPITAL TRUST,  
hereinafter called the Hospital Trust,

OF THE FIRST PART,

— and —

THE ST. THOMAS-ELGIN GENERAL HOSPITAL,  
hereinafter called the General Hospital,

OF THE SECOND PART,

— and —

THE CORPORATION OF THE CITY OF ST. THOMAS,  
hereinafter called the City,

OF THE THIRD PART.

WHEREAS the Legislature of the Province of Ontario by *An Act respecting the City of St. Thomas*, being Chapter 86 of the Statutes of Ontario, 1923, did vest the control and management of the Memorial Hospital and the Amasa Wood Hospital in a Board of Trustees called "The Memorial Hospital Trust" and by section 6 of the said Act did enact that:

"All legacies and bequests, contained in the will of any person, and all monies granted or set aside by any person or persons, society or organization payable to, or in trust for or for the benefit of The Elgin Memorial Hospital, may be paid to the said Board for the benefit of or in trust for the Memorial Hospital constructed under the authority of this Act, and all executors, trustees and other persons holding or controlling such legacies, bequests or monies may pay and are hereby authorized to pay the same over to the Memorial Hospital Trust for the use and benefit of this Memorial Hospital."

AND WHEREAS the parties hereto deem it expedient that the title and possession of all personal property belonging to The Hospital Trust, except accounts receivable by The Hospital Trust, be vested in and delivered to The General Hospital in trust to be used for hospital purposes.

NOW THEREFORE The Hospital Trust, The General Hospital and The City mutually agree each with the other as follows:

1. The Hospital Trust and The City agree to transfer, set over, assign and deliver and do hereby transfer, set over, assign and deliver to The General Hospital free of any existing trusts, all their right, title and interest in and to all personal property held by, or for, or under the control or to the credit of The Hospital Trust (except accounts receivable by The Hospital Trust and the proceeds therefrom, the right whereto is hereby confirmed in The City) to hold the same in trust to use the same for hospital purposes.

2. The General Hospital agrees to accept any and all such personal property and to hold and use same for hospital purposes.

3.

3. The City agrees to apply to the Legislature of the Province of Ontario for an Act validating the terms of this Agreement and dissolving The Memorial Hospital Trust and repealing all prior enactments relating thereto and the General Hospital agrees to pay all costs incurred in obtaining such an Act.

IN WITNESS WHEREOF the parties hereto have hereunto set their respective Corporate Seals over the hands of their proper signing officers.

SIGNED, SEALED AND DELIVERED

In the presence of:

THE MEMORIAL HOSPITAL TRUST:

A. J. DEMCIE,

E. C. REID.

THE ST. THOMAS-ELGIN GENERAL  
HOSPITAL:

CHARLES I. BLACK,

B. G. THACKER.

THE CORPORATION OF THE CITY OF  
ST. THOMAS:

D. R. STOKES,

E. C. REID.

## CHAPTER 171

## An Act respecting the City of Toronto

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of Toronto, <sup>Preamble</sup>  
herein called the Corporation, by its petition has prayed  
for special legislation in respect of the matters hereinafter  
set forth; and whereas it is expedient to grant the prayer of  
the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Section 4 of *The City of Toronto Act, 1960-61*, as amended <sup>1960-61,</sup>  
by section 1 of *The City of Toronto Act, 1964*, is further amended <sup>c. 137, s. 4,</sup>  
by adding thereto the following subsections: <sup>amended</sup>

- (13) Where the council is of the opinion that any lands <sup>Imposition</sup>  
in one or more defined areas in another municipality <sup>of rates</sup>  
will derive special benefit from a by-law to be passed <sup>in other</sup>  
in accordance with subsection 1, the council may, <sup>municipality</sup>  
with the consent of the council of such other muni-  
cipality, provide in the by-law that a part of the  
capital cost shall be levied against such lands, and  
the provisions of subsections 1 to 12 shall apply  
*mutatis mutandis* to such provision.
- (14) The clerk of the Corporation shall, forthwith after <sup>Certified</sup>  
the passing of a by-law levying a special rate against <sup>copy of</sup>  
lands in another municipality pursuant to sub- <sup>by-law to</sup>  
section 13, deliver or transmit by registered mail to <sup>be sent</sup>  
the clerk of such other municipality a copy of the <sup>to clerk</sup>  
by-law certified under his hand and the seal of the <sup>of other</sup>  
Corporation to be a true copy, and the preparation <sup>municipality</sup>  
of the special assessment roll and the carrying out  
of proceedings at and in connection with the court  
of revision referred to in subsection 8, in respect of  
the lands in such other municipality to be charged  
pursuant to the by-law, shall be the duty of the clerk  
of such other municipality.

Collection  
of rates  
in other  
municipality

- (15) The rates required by the by-law to be levied and collected in any year upon lands in such other municipality shall be collected by the council of such municipality in like manner as if such rates had been imposed by that council.

Payment  
over to  
City of  
Toronto

- (16) The corporation of such other municipality shall pay to The Corporation of the City of Toronto the sums that are to be levied and collected in each year under subsection 15, and such payment shall be made on demand therefor at any time after the 14th day of December in that year, and shall be made whether or not such rates have been collected from the persons liable to pay them.

Payment  
not to  
relieve land  
assessed

- (17) Such payment does not relieve any land specially assessed from the special rate thereon, but it remains liable for the special rate until it is paid.

Corporation  
may  
authorize  
disposal  
of land by  
Parking  
Authority

- 2.**—(1) The council of the Corporation may pass by-laws to authorize The Parking Authority of Toronto on behalf of the Corporation to sell, lease or otherwise dispose of any land or buildings, or parts of such land or buildings, under the control of the Authority when such land or buildings or parts thereof are no longer required for the purposes of the Authority.

Construction  
of founda-  
tions,  
footings and  
supports

- (2) Where a building or structure is constructed by the Corporation or by the Authority, either above, below or partly above and partly below ground level, for the purposes of the Authority on land owned by the Corporation, the Corporation or the Authority with the consent of the Corporation may construct upon, under or in connection with such building or structure such foundations, footings and supports as are deemed necessary by the Corporation or by the Authority to permit any area or space owned by the Corporation above such building or structure, and not required for purposes of the Corporation or the Authority, to be used for the construction therein of buildings or structures by any person to whom such area or space or any interest therein may be sold or transferred.

Land to  
be deemed  
under  
control of  
Authority

- (3) Any land or building shall be deemed for the purposes of this section to be under the control of the Authority if such land or building has been designated for use thereof by a by-law of the Corporation.

Limitations  
and con-  
ditions on  
powers of  
Authority

- (4) Any by-law passed pursuant to subsection 1, permitting the Authority to sell, lease or otherwise dispose of lands or buildings, may impose such limitations and conditions upon the exercise by the Authority of the powers thereby given as



the council of the Corporation deems proper, and, without limiting the foregoing, may provide that the sale price, rental or other moneys paid, or the terms and conditions of the sale, lease or other disposition, shall be subject to the approval of the council.

(5) In this section, "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them. Interpretation

(6) Where a by-law passed pursuant to subsection 1 authorizes the Authority to sell, lease or otherwise dispose of land or buildings or parts thereof, any instruments required to convey, lease or otherwise dispose of such land, buildings or parts thereof shall be executed by the Corporation. Instruments executed by Corporation

(7) All moneys obtained from the sale, lease or other disposition of land, buildings or parts thereof under this section shall be paid to the treasurer of the Corporation, and after payment of expenses incidental thereto shall be deposited in a reserve fund and shall be applied, Reserve fund

- (a) firstly, for the payment of interest and principal falling due in each year in respect of the acquisition of such land and the erection of buildings thereon or thereunder;
- (b) secondly, for the acquisition, laying out or improvement of additional parking lots or facilities and the construction of buildings thereon or thereunder;
- (c) thirdly, for such other purposes as the Department of Municipal Affairs may approve.

**3.** In the event that the Corporation renovates or participates in the renovation of the whole or any portion of the buildings within the block in the City of Toronto bounded by King Street East, Front Street East, Market Street and Jarvis Street for the purposes of a project for the observance or commemoration of the Centennial, pursuant to *The Confederation Centennial Act, 1962-63*, the Corporation may provide facilities for the use for commercial or administrative purposes of any part or parts of such buildings not required for the purposes of the Corporation, and may use or lease any such part or parts for commercial or administrative purposes. Use and other disposition of lands in Centennial project

**4.** The Corporation may, by by-law, entrust to The Toronto Arts Foundation, a corporation incorporated under the laws of Ontario having its head office in the City of 1962-63, c. 19 Management of Centennial project by Toronto Arts Foundation

Toronto, on such terms and conditions as the council of the Corporation may prescribe, the maintenance, control, operation or management of any theatre or auditorium owned by the Corporation that has been constructed as a project for the observance or commemoration of the Centennial, pursuant to *The Confederation Centennial Act, 1962-63*.

1962-63,  
c. 19

Disposition  
of  
Centennial  
project, and  
manage-  
ment by  
Toronto Arts  
Foundation

**5.** Where a building owned by the Corporation has been constructed as a project for the observance or commemoration of the Centennial, pursuant to *The Confederation Centennial Act, 1962-63*, for purposes of or related to the production or presentation of theatrical, dramatic or artistic performances, the Corporation may, on such terms and conditions as the council may prescribe,

- (a) let the building or part or parts thereof for such purposes, or for such artistic purposes, as the council may determine;
- (b) entrust to The Toronto Arts Foundation the maintenance, control, operation or management of the building.

Sale  
of refresh-  
ments in  
City Hall  
and Nathan  
Phillips  
Square  
R.S.O. 1960,  
c. 217

**6.** The Corporation may sell, or let the right to sell from year to year or for any time not exceeding ten years, food, confectionery, tobacco and refreshments, and, if licensed by The Liquor Licence Board, liquor as defined in *The Liquor Control Act*, within the City Hall and Nathan Phillips Square, under such conditions as the council may prescribe, and may provide facilities therefor, provided that nothing herein shall be deemed to preclude the Corporation or any other person from compliance with any law of Ontario, in effect in the area in which the City Hall and Nathan Phillips Square are located, relating to the sale, keeping, serving or consumption of liquor and, without limiting the foregoing, from compliance with the provisions of *The Liquor Licence Act* respecting the issue of licences or permits for such sale, keeping, serving or consumption of liquor.

R.S.O. 1960,  
c. 218

1957, c. 157,  
s. 2, subs 1,  
amended

**7.** Subsection 1 of section 2 of *The City of Toronto Act, 1957* is amended by striking out "and the appointment of each of such members shall be subject to the approval of the Minister of Planning and Development" in the fourth, fifth and sixth lines, so that the subsection shall read as follows:

Committee  
of adjust-  
ment,  
substitute  
members

- (1) The council of the Corporation is authorized by by-law to appoint for the City of Toronto a committee of adjustment having three regular members and two substitute members.

8. The Corporation may provide in the City Hall and Nathan Phillips Square accommodation and facilities to be used for commercial or administrative purposes, and may lease the same for such purposes.

Use of  
City Hall  
and Nathan  
Phillips  
Square for  
commercial  
and adminis-  
trative  
purposes

9. The expenditure of moneys for any of the purposes authorized by this Act shall be deemed to be an expenditure for a purpose of the Corporation.

Expendi-  
tures  
deemed for  
purposes of  
Corporation

10. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

11. This Act may be cited as *The City of Toronto Act, 1965*.

Short title



## CHAPTER 172

**An Act respecting  
The United Church of Canada**

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The United Church of Canada by its petition Preamble  
has represented that it acquired by devise under the will of the late Annie E. Galloway premises at 15 Hazelton Avenue in the City of Toronto, in the County of York, to be used as a home for missionaries on furlough, and that, by reason of its location, such premises are no longer suitable or desirable for such purposes; and whereas the petitioner has prayed for special legislation annulling such trust and permitting it to sell such lands; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The United Church of Canada has full power and Power of sale  
authority to sell for cash or upon credit the premises at 15 Hazelton Avenue in the City of Toronto, County of York, being more particularly described as part of Lot Twelve according to registered Plan No. Three Hundred and Two and part of Lot Two on the east side of Avenue Road according to registered Plan No. Two Hundred and Eighty-nine, both of which plans were filed in the Registry Office for the County of York, now in the Registry Office for the City of Toronto, and which parcel is more particularly described as follows:

COMMENCING at a point in the easterly limit of Hazelton Avenue distant fifty-eight feet eleven and one-half inches measured southerly along the same from the southerly limit of Scollard Street said point being in the westerly production of the centre line of partition wall between the dwellings now known as numbers Fifteen and Seventeen Hazelton Avenue respectively;

THENCE Easterly to and along the said centre line of wall and along the line of fence forming the division between the rear premises of said dwellings in all a distance of one hundred feet to a point in the westerly limit of the lane hereinafter described and distant fifty-eight feet six and one-half inches south of Scollard Street;

THENCE



THENCE Southerly parallel to the said limit of Hazelton Avenue twenty feet seven and one-half inches to a point distant one foot three inches southerly from the line of the production easterly of the southerly face of the most southerly wall of the said dwelling known as Number Fifteen Hazelton Avenue;

THENCE Westerly parallel to the line of wall last mentioned one hundred feet to the easterly limit of Hazelton Avenue aforesaid;

THENCE Northerly along the last mentioned limit twenty feet two and one-half inches more or less to the place of beginning;

TOGETHER with a right of way at all times in common with others entitled thereto, over and along a Lane nine feet wide extending from the rear of the hereinbefore described parcel Northerly to Scollard Street; ALSO a right of way over a strip of land one foot three inches in width immediately adjoining the southerly limit of the hereinbefore described parcel and extending easterly from the said limit of Hazelton Avenue to a depth of forty-eight feet six inches.

Conveyance  
free of  
trust

**2.** A deed executed by The United Church of Canada under seal attested by the hands of its proper officers shall vest in the purchaser thereof all the right, title and interest of The United Church of Canada in, to or out of the lands and premises conveyed by the deed free from all trusts whatsoever contained or set out in the will of Annie E. Galloway.

Use of  
proceeds

**3.** The United Church of Canada shall use the proceeds of the sale of such premises for acquiring or otherwise providing homes for missionaries on furlough as it may deem expedient.

Commence-  
ment

**4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** This Act may be cited as *The United Church of Canada Act, 1965*.

## CHAPTER 173

# An Act respecting United Co-operatives of Ontario

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS United Co-operatives of Ontario, herein <sup>Preamble</sup> called the Company, by its petition has represented that it was incorporated by *The United Co-operatives of Ontario Act, 1948* <sup>1948, c. 130</sup> with an authorized capital of \$3,000,000, divided into 214,950 common shares having a par value of \$10 each and 121,500 non-voting preference shares having a par value of \$7 each, and that all the issued preference shares of the Company have been redeemed, and that by *The United Co-operatives of Ontario Act, 1956* <sup>1956, c. 126</sup> the unissued preference shares were cancelled and the authorized capital was increased to \$6,000,000 by the creation of 385,050 common shares having a par value of \$10 each ranking in all respects *pari passu* with the existing common shares, and that the authorized capital of the Company has since been decreased to \$3,948,830 by the purchase for cancellation of 205,117 issued common shares of the Company, and that the Company desires to increase its authorized capital to \$25,000,000; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** Clause *e* of section 2 of *The United Co-operatives of Ontario Act, 1948* <sup>1948, c. 130, s. 2, cl. *e*, repealed</sup> is repealed.

**2.** Section 3 of *The United Co-operatives of Ontario Act, 1948* <sup>1948, c. 130, s. 3, re-enacted</sup> is repealed and the following substituted therefor:

**3.** The head office of the Company shall be at The <sup>Head office</sup> Municipality of Metropolitan Toronto.

**3.** Section 4 of *The United Co-operatives of Ontario Act, 1948* <sup>1948, c. 130, s. 4, re-enacted</sup> is repealed and the following substituted therefor:

## Capital

4.—(1) The authorized capital of the Company is increased from \$3,948,830 to \$25,000,000 by the creation of 1,105,117 common shares with a par value of \$10 each ranking in all respects on a parity with the existing common shares, the creation of 500,000 Class "A" non-voting preference shares with a par value of \$10 each and 500,000 Class "B" non-voting preference shares with a par value of \$10 each.

Class "A"  
non-voting  
preference  
shares

(2) The Class "A" non-voting preference shares shall have attached thereto the following:

1. The holders of the Class "A" preference shares shall in each year in the discretion of the directors, but always in preference and priority to any payment of patronage return or dividends on any other shares for such year, be entitled, out of any or all profits or surplus available for dividends, to cumulative dividends at the rate of 5 per cent per annum on the amount paid on the Class "A" preference shares; if on any dividend payment date the dividend payable on such date is not paid in full on all the Class "A" preference shares then issued and outstanding, such dividend, or the unpaid portion thereof, shall be paid at a subsequent date or dates as and when declared by the board of directors; the holders of Class "A" preference shares shall not be entitled as such to any dividends other than or in excess of the cash dividends hereinbefore provided for; no dividends shall at any time be declared and set apart for the common shares or any of them or any other shares of the Company junior to the Class "A" preference shares, nor shall the Company call for redemption less than all the outstanding Class "A" preference shares unless all accrued dividends on the Class "A" preference shares then issued and outstanding shall have been declared and paid or provided for at the date of such declaration or payment or setting apart or call for redemption.
2. The Class "A" preference shares shall rank, as regards both dividend and repayment of capital, in priority to all other shares of the Company, but they shall not confer any further right to participate in profits or assets.

3. The Company may, upon giving notice as hereinafter provided, redeem the whole or any part of the Class "A" preference shares on payment for each share to be redeemed of the amount paid up thereon, together with all unpaid cumulative dividends, whether or not earned or declared, which shall have accrued thereon and which, for such purpose, shall be treated as accruing up to the date of such redemption; not less than thirty days' notice in writing of such redemption shall be given by mailing such notice to the registered holders of the shares to be redeemed, specifying the date and place of redemption; if notice of any such redemption is given by the Company in the manner aforesaid and an amount sufficient to redeem the shares is deposited with any trust company or chartered bank in Canada, as specified in the notice, on or before the date fixed for redemption, dividends on the Class "A" preference shares to be redeemed shall cease after the date so fixed for redemption, and the holders thereof shall thereafter have no rights against the Company in respect thereof except, upon the surrender of certificates for such shares, to receive payment therefor out of the moneys so deposited.
4. The Company shall have the right at any time and from time to time, without notice, to purchase for cancellation the whole or any part of the Class "A" preference shares at the lowest price at which, in the opinion of the directors, such shares are obtainable, but not exceeding the amount paid up thereon, together with all unpaid cumulative dividends, whether or not earned or declared, which shall have accrued thereon and which, for such purposes, shall be treated as accruing up to the date of such purchase.
5. In the event of the liquidation, dissolution or winding up of the Company, whether voluntary or involuntary, the holders of the Class "A" preference shares shall be entitled to receive, before any distribution of any part of the assets of the Company among the holders of any other shares, the amount paid up thereon, and any unpaid cumulative

dividends



dividends thereon, whether or not earned or declared, which shall accrue thereon and which, for such purpose, shall be treated as accruing up to the date of such liquidation, dissolution or winding up.

6. Subject to paragraph 7, the holders of the Class "A" preference shares shall not as such be entitled to vote at any meeting of the shareholders of the Company, but they shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the Company or the sale of its undertaking or a substantial part thereof.
7. The authorization for an application to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to the Class "A" preference shares or to create preference shares in priority to or on a parity with the Class "A" preference shares, in addition to the authorization by a special resolution, may be given by at least two-thirds of the votes cast at a meeting of the holders of the Class "A" preference shares duly called for that purpose.

Class "B"  
non-voting  
preference  
shares

- (3) The non-voting Class "B" preference shares shall have attached thereto the following:

1. The holders of the Class "B" preference shares shall in each year in the discretion of the directors, but always in preference and priority to any payment of patronage dividends or dividends on the common shares for such year, be entitled, out of any and all profits or surplus available for dividends, to cumulative dividends at the rate of 4 per cent per annum on the amount paid up on the Class "B" preference shares; if on any dividend payment date the dividend payable on such date is not paid in full on all the Class "B" preference shares then issued and outstanding, such dividend, or the unpaid portion thereof, shall be paid at a subsequent date or dates as and when declared by the board of directors; the holders of Class "B" preference shares shall not be entitled to any dividends other than or in excess of the cash

dividends



dividends hereinbefore provided for; no dividends shall at any time be declared and paid on or declared and set apart for the common shares or any of them or any other shares of the Company junior to the Class "B" preference shares, nor shall the Company call for redemption less than all the outstanding Class "B" preference shares unless all accrued dividends on the Class "B" preference shares then issued and outstanding shall have been declared and paid or provided for at the date of such declaration or payment or setting apart or call for redemption.

2. The Class "B" preference shares shall rank, as regards both dividend and repayment of capital, in priority to common shares of the Company, but they shall not confer any further right to participate in profits or assets.
3. The Company may, upon giving notice as hereinafter provided, redeem the whole or any part of the Class "B" preference shares on payment for each share to be redeemed of the amount paid up thereon, together with all unpaid cumulative dividends, whether or not earned or declared, which shall have accrued thereon and which, for such purpose, shall be treated as accruing up to the date of such redemption; not less than thirty days' notice in writing of such redemption shall be given by mailing such notice to the registered holders of the shares to be redeemed, specifying the date and place or places of redemption; if notice of any such redemption is given by the Company in the manner aforesaid and an amount sufficient to redeem the shares is deposited with any trust company or chartered bank in Canada, as specified in the notice, on or before the date fixed for redemption, dividends on the Class "B" preference shares to be redeemed shall cease after the date so fixed for redemption, and the holders thereof shall thereafter have no rights against the Company in respect thereof except, upon the surrender of certificates for such shares, to receive payment therefor out of the moneys so deposited.
4. The Company shall have the right at any time and from time to time, without notice,

to

to purchase for cancellation the whole or any part of the Class "B" preference shares at the lowest price at which, in the opinion of the directors, such shares are obtainable, but not exceeding the amount paid up thereon, together with all unpaid cumulative dividends, whether or not earned or declared, which shall have accrued thereon and which, for such purpose, shall be treated as accruing up to the date of such purchase.

5. In the event of the liquidation, dissolution or winding up of the Company, whether voluntary or involuntary, the holders of the Class "B" preference shares shall be entitled to receive, before any distribution of any part of the assets of the Company among the holders of common shares, the amount paid up thereon and any unpaid cumulative dividends thereon, whether or not earned or declared, which shall accrue thereon and which, for such purpose, shall be treated as accruing up to the date of such liquidation, dissolution or winding up.
6. Subject to paragraph 7, the holders of the Class "B" preference shares shall not as such be entitled to vote at any meeting of the shareholders of the Company, but they shall be entitled to notice of meetings of shareholders called for the purpose of authorizing the dissolution of the Company or the sale of its undertaking or a substantial part thereof.
7. The authorization for an application to delete or vary any preference, right, condition, restriction, limitation or prohibition attaching to the Class "B" preference shares or to create preference shares in priority to or on a parity with the Class "B" preference shares, in addition to the authorization by a special resolution, may be given by at least two-thirds of the votes cast at a meeting of the holders of the Class "B" preference shares duly called for that purpose.

Application  
of  
R.S.O. 1960,  
c. 363, s. 19,  
subs. 2

- (4) The exemption contained in paragraph 9 of subsection 2 of section 19 of *The Securities Act* does not apply to the Class "A" or Class "B" preference shares.

4. Section 5 of *The United Co-operatives of Ontario Act*, 1948, c. 130, s. 5, re-enacted 1948 is repealed and the following substituted therefor:

5.—(1) In order to further the co-operative character of the Company and to provide a means whereby its current and active patrons will supply the capital of the Company, the Company may by by-law provide that each common shareholder each year shall be required to invest the whole or such portion of his patronage return as the directors may require in shares of the Company, and that, when in the opinion of the board of directors the issued capital is sufficient for the proper financing of the Company, the Company may redeem the outstanding common shares at the par value thereof on a revolving basis in the order by years in which the shares were issued, giving precedence to those held the longest.

(2) Certificates for common shares of the Company shall be issued in an annual series, and each certificate shall indicate the year in which the shares represented by it were issued.

5. Section 9 of *The United Co-operatives of Ontario Act*, 1948, c. 130, s. 9, re-enacted 1948 is repealed and the following substituted therefor:

9. The qualifications of a director shall be that he own at least one common share of the Company or that he be a member or shareholder of a co-operative corporation which owns at least one common share of the Company.

6. Section 12 of *The United Co-operatives of Ontario Act*, 1948, c. 130, s. 12, amended 1948 is amended by striking out "by each common shareholder" in the fourth line and inserting in lieu thereof "by the common shareholders", so that the section shall read as follows:

12. At the first annual meeting of the Company and at any general meeting thereafter, the powers of the common shareholders shall be vested in delegates to be elected or appointed by the common shareholders of the Company in such manner as may be provided for in the by-laws, and the delegates so elected or appointed shall exercise fully and completely in every way the powers or any part of the powers of the common shareholders of the Company; and a meeting of the delegates of the Company shall have the same effect in every way as a meeting of the common shareholders of the Company.

1948, c. 130,  
s. 13, subs. 1,  
re-enacted

**7.** Subsection 1 of section 13 of *The United Co-operatives of Ontario Act, 1948* is repealed and the following substituted therefor:

Votes for  
delegates

- (1) Common shareholders shall be entitled at all meetings of the Company to one vote only for each delegate properly appointed and present in person at the meeting.

1948, c. 130,  
s. 14, subs. 1,  
cls. a, d,  
re-enacted

**8.**—(1) Clauses *a* and *d* of subsection 1 of section 14 of *The United Co-operatives of Ontario Act, 1948* are repealed and the following substituted therefor:

- (a) to provide for the division of its common shareholders, other than co-operative corporations, into groups on the basis of the branch of the Company through which they do business, the election or appointment of delegates by co-operative corporations that are common shareholders and groups of common shareholders other than co-operative corporations, the qualifications of such delegates, determining the number of delegates for each common shareholder that is a co-operative corporation, either on the basis of the volume of business done by such common shareholder with the Company or on the basis of the number of members or shareholders of such shareholder, or partly on one basis and partly on the other, determining the number of delegates for groups of common shareholders, other than co-operative corporations, either on the basis of the volume of business done by such common shareholders with the Company or on the basis of the number of such common shareholders in each group, or partly on one basis and partly on the other, and designating the outlets of the Company to be included in each branch;

. . . . .

- (d) to provide for the appointment or election, by each co-operative corporation that is a common shareholder and by each group of other common shareholders, of alternate delegates to attend and vote at meetings of shareholders in the absence of the delegates.

1948, c. 130,  
s. 14, subs. 1,  
amended

(2) Subsection 1 of the said section 14 is amended by adding thereto the following clause:

- (i) to provide for the election of local advisory councils at each branch of the Company and to fix the duties and responsibilities of such advisory councils.



(3) Subsection 2 of the said section 14 is repealed and the following substituted therefor: 1948, c. 130,  
s. 14, subs. 2,  
re-enacted

- (2) Every by-law shall bind the Company and the common shareholders thereof to the same extent as if each corporate common shareholder had subscribed its name and affixed its corporate seal thereto and each common shareholder, other than corporate common shareholders, had signed such by-law and affixed his seal thereto, and as if there was in the by-law a covenant on the part of each common shareholder, his or its heirs, executors, successors and assigns, to conform thereto subject to the provisions of this Act. By-laws  
a contract  
with  
shareholder

**9.** Subsection 2 of section 16 of *The United Co-operatives of Ontario Act, 1948* is repealed. 1948, c. 130,  
s. 16, subs. 2,  
repealed

**10.** Section 17 of *The United Co-operatives of Ontario Act, 1948* is repealed and the following substituted therefor: 1948, c. 130,  
s. 17,  
re-enacted

- 17.—(1) The Company shall be deemed to be a co-operative company operated on a co-operative basis as defined by Part V of *The Corporations Act*. Company  
deemed a  
co-operative  
company

- (2) Except where inconsistent with this Act, Part V of *The Corporations Act*, except section 139, applies to the Company. Application  
of  
R.S.O. 1960,  
c. 71, Pt. V

- (3) Except where inconsistent with this Act or Part V of *The Corporations Act*, the general provisions of *The Corporations Act* apply to the Company. Application  
of  
R.S.O. 1960,  
c. 71

**11.** *The United Co-operatives of Ontario Act, 1956* is repealed. 1956, c. 126,  
repealed

**12.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment

**13.** This Act may be cited as *The United Co-operatives of Ontario Act, 1965*. Short title





CHAPTER 174

An Act respecting The Community Chest  
of St. Catharines & District, Inc.

*Assented to April 14th, 1965*  
*Session Prorogued June 22nd, 1965*

WHEREAS The Community Chest of St. Catharines & District, Inc. by its petition has represented that it was incorporated as a corporation without share capital under *The Companies Act* by letters patent dated the 23rd day of October, 1953; and whereas the petitioner has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Preamble

R.S.O. 1950,  
c. 59

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The name of The Community Chest of St. Catharines & District, Inc. is hereby changed to The United Fund of St. Catharines & District, Inc.

Change of  
name

2. The number of directors of The United Fund of St. Catharines & District, Inc. is hereby increased to thirty.

Directors

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. This Act may be cited as *The United Fund of St. Catharines & District, Inc. Act, 1965*.

Short title



CHAPTER 175

An Act respecting the City of Windsor

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the City of Windsor, Preamble  
herein called the Corporation, by its petition has represented that on the 16th day of November, 1964, By-law No. 2713, authorizing the granting of a franchise to the AmeriCanada TeleFerry Company respecting the operation of an aerial cable-car system over and across certain public highways in the City of Windsor, was passed by the council of the Corporation, and that such by-law was submitted to the electors on the 7th day of December, 1964, and that a majority of the electors voted in the affirmative on the by-law, and that the council is desirous of carrying into effect the wishes of the electors; and whereas the petitioner has prayed for special legislation to effect such purpose and in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The council of the Corporation may pass by-laws to Erection, etc., of aerial cable-car tramway over highways  
authorize any person or corporation to erect and maintain an aerial cable-car tramway or system and other accessory equipment upon, across, over and along any highway or public place on such terms and conditions as the council may deem expedient.

**2.** The structures, substructures, superstructures, cars, Assessment of aerial cable-car tramway  
wires, cables and other accessory equipment of an aerial cable-car tramway or system are liable to assessment and taxation in the same manner and to the same extent as a bridge or tunnel is under section 44 of *The Assessment Act*. R.S.O. 1960, c. 23

**3.** The council of the Corporation may pass by-laws to Leasing parking facilities  
authorize the leasing to any person,

- (a) of lands, buildings or structures, or any part thereof, under its control for the purpose of parking vehicles and for any purpose incidental thereto; and

(b)

(b) for commercial use, of buildings or structures, or any part thereof, under its control.

Aerial  
cable-car  
tramway  
by-law  
confirmed

**4.** By-law No. 2713 of the Corporation, set forth as the Schedule hereto, is hereby validated and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Commence-  
ment

**5.** This Act comes into force on the day it receives Royal Assent.

Short title

**6.** This Act may be cited as *The City of Windsor Act, 1965*.



## SCHEDULE

BY-LAW No. 2713

*Bill No. 124, 1964*

A by-law to authorize the granting of a franchise to the AmeriCanada TeleFerry Company respecting the operation of an aerial cable-car system over and across certain public highways in the City of Windsor.

PASSED the 16th day of November, 1964.

WHEREAS the AmeriCanada TeleFerry Company is a duly constituted corporation existing under the laws of the State of Delaware, one of the United States of America, and proposes to construct and operate between the Cities of Windsor, Ontario, and Detroit, Michigan, an aerial cable-car system for the purpose of transporting persons across the Detroit River to and from these two Municipalities;

AND WHEREAS the said Company has requested The Corporation of the City of Windsor to grant it permission to operate the said system over and across the portion of the public streets in the City of Windsor, hereinafter designated, for a period of not less than sixty (60) years;

AND WHEREAS subsection 1 of section 3 of *The Municipal Franchises Act*, R.S.O. 1960, Chapter 255, provides that a municipal corporation shall not grant to any person nor shall any person acquire the right to use or occupy any of the highways of the municipality except as provided in *The Municipal Act*, unless a by-law setting forth the terms and conditions upon which, and the period for which such right is to be granted or acquired, has been assented to by the municipal electors;

AND WHEREAS it is deemed expedient and desirable to grant such permission;

Therefore the Council of The Corporation of the City of Windsor enacts as follows:

1. The Corporation of the City of Windsor, hereinafter called the "Corporation", hereby grants to the AmeriCanada TeleFerry Company the right to operate and maintain an aerial cable-car system connecting the Cities of Windsor, Ontario, and Detroit, Michigan, over and across Riverside Drive at Caron Avenue, and Caron Avenue between Riverside Drive and Chatham Street, subject to the terms and conditions hereinafter set forth.

2. The franchise herein referred to shall be for a period of sixty (60) years beginning the first day of January, 1965, or on the date the agreement hereinafter mentioned takes effect, whichever shall first occur.

3. The construction, operation and maintenance of the said aerial cable-car system shall be, in all respects and at all times, subject to all Federal, Provincial and Municipal laws and regulations applicable thereto.

4. The minimum clearance of the said system and all appurtenances thereto over and above the public streets or highways hereinbefore referred to or any public utility installation shall not be less than twenty-two feet (22') and the width of the air corridor to be traversed by the said cable-cars and appurtenances thereto shall not be greater than thirty-five feet (35').

5. The said AmeriCanada TeleFerry Company, its successors and assigns, shall at all times maintain and keep the said system and every part thereof in a condition of good repair, and the same shall be subject to regular inspection by all interested Federal, Provincial or Municipal agencies and departments.

6. The said AmeriCanada TeleFerry Company, its successors and assigns, shall at all times indemnify and save harmless the Corporation from any and all claims for loss or damage, actions, suits or liabilities whatsoever arising out of the construction, operation or maintenance of the said system.

7. The franchise authorized by this by-law shall not be transferred or assigned in any manner whatsoever without the written consent of the Corporation.

8. The said AmeriCanada TeleFerry Company, its successors and assigns, shall pay or cause to be paid to the Corporation during the duration of the franchise an annual licence fee of Five Hundred Dollars (\$500) for the rights and privileges provided for by this by-law.

9. The Corporation reserves the right to cancel or revoke the said franchise in the event the said cable-car system is abandoned or construction thereof is not commenced within a period of five (5) years from the date the franchise becomes effective.

10. The franchise herein authorized shall not come into force and take effect unless and until a written agreement covering all of the matters hereinbefore set forth and ancillary thereto has been entered into and executed by the Corporation and the said AmeriCanada TeleFerry Company.

11. This by-law shall come into force and take effect on the day following the final passing thereof upon which it is assented to by the municipal electors of the City of Windsor.

READ A FIRST, SECOND AND THIRD time and passed the 16th day of November, 1964.

M. J. PATRICK,  
*Mayor.*

J. B. ADAMAC,  
*Clerk.*

## CHAPTER 176

## An Act respecting the Township of York

*Assented to April 14th, 1965  
Session Prorogued June 22nd, 1965*

**W**HEREAS The Corporation of the Township of York <sup>Preamble</sup>  
by its petition has prayed for special legislation in  
respect of the matters hereinafter set forth; and whereas it is  
expedient to grant the prayer of the petition;

Therefore, Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:

**1.** Notwithstanding any general or special Act, the council <sup>Composition</sup>  
of The Corporation of the Township of York may, by by-law, <sup>of board of</sup>  
provide that the local board of health for the Township of <sup>health</sup>  
York shall consist of the reeve, the medical officer of health  
and,

- (a) five persons qualified to be elected as members of the  
council, at least two of whom are not members of  
council; or
- (b) seven persons qualified to be elected as members of  
the council, at least three of whom are not members  
of council.

**2.** The persons referred to in clauses *a* and *b* of section 1 <sup>Appoint-</sup>  
shall be appointed annually by the council at its first meeting <sup>ment of</sup>  
in each year. <sup>members</sup>

**3.** This Act comes into force on the day it receives Royal <sup>Commence-</sup>  
Assent. <sup>ment</sup>

**4.** This Act may be cited as *The Township of York Act*, <sup>Short title</sup>  
1965.



# INDEX

## Third Session, Twenty-Seventh Legislature 13-14 Elizabeth II, 1965

### A

	PAGE
AGRICULTURAL RESEARCH INSTITUTE OF ONTARIO property of institute.....	1
AGRICULTURE	
<i>See</i> AGRICULTURAL RESEARCH INSTITUTE OF ONTARIO.	
BEES.	
BRUCELLOSIS.	
DEAD ANIMAL DISPOSAL.	
DEPARTMENT OF AGRICULTURE.	
DOG TAX AND CATTLE, SHEEP AND POULTRY PROTECTION.	
FARM PRODUCTS MARKETING.	
JUNIOR FARMER ESTABLISHMENT.	
LIVE STOCK COMMUNITY SALES.	
MEAT INSPECTION.	
MILK.	
SEED POTATOES.	
WEED CONTROL.	
AIR HARBOURS	
<i>See</i> MUNICIPAL.	
ALCOHOLISM AND DRUG ADDICTION RESEARCH FOUNDATION	
ANNUAL REPORT.....	6
AUDIT.....	5
BY-LAWS.....	5
FORMER PROVISIONS REPEALED.....	6
FOUNDATION CONTINUED.....	3
FUNDS.....	5
HEAD OFFICE.....	4
MEMBERS	
appointment.....	3
chairman.....	3
quorum.....	4
remuneration.....	5
vacancies.....	4
OBJECTS AND POWERS.....	4
OFFICERS AND STAFF.....	5
PROFESSIONAL ADVISORY BOARD.....	5
PROPERTY	
exempt from taxation.....	5
power to acquire.....	5



	PAGE
ANATOMY	
donated bodies, interment .....	7
notice .....	7
register .....	7
offences, neglect of duty under Act .....	8
removal of bodies from Ontario .....	8
ARBITRATIONS	
schedule of fees .....	9
ARCHAEOLOGICAL AND HISTORIC SITES PROTECTION	
advisory board .....	11
ASSESSMENT	
ASSESSMENT MANUAL	
adoption of .....	13, 14
COUNTY ASSESSMENT COMMISSIONER	
appointment of, by county .....	14
for city, etc. ....	15, 16
apportionment of cost of .....	16
court of revision under .....	14
COUNTY ASSESSOR	
appointment as local assessor .....	17
COURT OF REVISION	
under county assessment commissioner .....	14
DISTRICT ASSESSOR	
benefits for employees of .....	17
cities, for .....	18
equalization of assessments made by .....	18, 19
powers and duties .....	17, 18
power to contract and sue .....	17
HARBOUR COMMISSION	
parking lots subject to taxation .....	13
PIPE LINES	
assessment of .....	14
review of rates re .....	14
TAXES	
cancellation, reduction, etc., of .....	19
recovery by action in division court .....	19

## B

BAILIFFS	
hearing on revocation of appointment .....	21
BEES	
hives, location in urban municipalities .....	23
elsewhere .....	23
suburban districts, by-laws designating .....	23
approval .....	24
BELLEVILLE (CITY)	
biennial elections .....	683
council, composition of .....	683

BLANC, SALLY, GRANT TO  
*See* MUNICIPALITY OF METROPOLITAN TORONTO.

## BOUNDARIES

PAGE

APPLICATION FOR CONFIRMATION .....	25
DEPUTY DIRECTOR .....	25
DESCRIPTIONS	
where confirmed plan registered .....	27
ENTRY OF PLAN ON TITLE .....	26
PARCEL	
defined .....	25
PROCEEDINGS	
by director .....	26
REGULATIONS	
surveys and plans .....	27

## BRUCELLOSIS

AGREEMENT	
with Minister, by veterinarian .....	30
BRUCELLOSIS	
defined .....	29
CALF	
death of, as result of vaccination, regulations re compensation for .....	31
defined .....	29
vaccination of, age limits for, regulations re .....	31
notice to veterinarian re .....	30
CATTLE	
vaccination of .....	30
CERTIFICATE	
vaccination, of .....	30
CHIEF INSPECTOR	
appointment of .....	29
COMPENSATION	
death as result of vaccination, regulations re, for .....	31
DIRECTOR	
approval by, of assistance for veterinarian .....	30
defined .....	29
INSPECTOR	
appointment of .....	29
certificate of appointment of .....	31
defined .....	29
false information to .....	31
obstruction of .....	31
refusal to give information to .....	31
right of entry by .....	30
LIEUTENANT GOVERNOR IN COUNCIL	
chief inspector appointed by .....	29
inspectors appointed by .....	29
regulations by .....	31
MINISTER	
defined .....	29
veterinarians appointed by .....	30
OFFENCES	
fines for .....	31
OWNER	
defined .....	29

BRUCELLOSIS— <i>Continued</i>	PAGE
REGULATIONS	
defined . . . . .	29
Lieutenant Governor in Council, by . . . . .	31
VACCINATE	
defined . . . . .	29
VACCINATION	
age limits for, regulations re. . . . .	31
certificate of . . . . .	30
compensation for death as result of, regulations re. . . . .	31
female calves, of . . . . .	30
method of, regulations re. . . . .	31
notice of, to veterinarian, by owner . . . . .	30
veterinarian, by . . . . .	30
VACCINE	
type of, prescribed by regulations . . . . .	31
VETERINARIAN	
appointment of, by Minister . . . . .	30
assistance for . . . . .	30
to, by owner . . . . .	30
certificate of appointment of . . . . .	31
vaccination by . . . . .	30
defined . . . . .	29
false information to . . . . .	31
obstruction of . . . . .	31
refusal to give information to . . . . .	31
remuneration of, regulations re. . . . .	31
right of entry by . . . . .	31
vaccination by . . . . .	30
BURLINGTON (TOWN)	
bus franchise agreement, confirmed . . . . .	685, 686
set out . . . . .	690-693
farm lands, exemption, of special rates re. . . . .	687
postponing of special rates re. . . . .	687, 688
harbour patrol, establishment of . . . . .	685
mileage allowance for council . . . . .	685
private drain connections, assessment of . . . . .	686
sidewalks, deposits for damage to . . . . .	686, 687
special assessments, cancellation of . . . . .	688
taxes re St. Mary's Parish Hall, cancellation of . . . . .	688
untravelling portions of highways, regulation of . . . . .	686

## C

CANADIAN NATIONAL EXHIBITION ASSOCIATION	
Association membership . . . . .	695-699
CANCER	
appointment of chairman . . . . .	33
CAR WASHES	
<i>See</i> MUNICIPAL.	
CENTENNIAL CENTRE OF SCIENCE AND TECHNOLOGY	
ANNUAL AUDIT . . . . .	37
BOARD OF TRUSTEES	
appointment of . . . . .	35
powers of . . . . .	36
quorum . . . . .	36
remuneration of . . . . .	36
term of office of . . . . .	36
BY-LAWS . . . . .	36

CENTENNIAL CENTRE OF SCIENCE AND TECHNOLOGY— <i>Continued</i>	PAGE
<b>CENTRE</b>	
established.....	35
fiscal year of.....	35
incorporation of.....	35
objects of.....	36, 37
report of.....	35
seal of.....	35
<b>DIRECTOR</b>	
appointment of.....	36
duties of.....	36
<b>MINISTER</b>	
board responsible to.....	36
defined.....	35
reports to.....	37
<b>PROPERTY</b>	
acquisition of.....	37
exempt from taxation.....	37
funds.....	37
<b>REGULATIONS</b>	
penalty for breach of.....	38
power to make.....	37
<b>CERTIFICATION OF TITLES</b>	
deputy director.....	39
registration of plans.....	39
<b>CHATHAM (CITY)</b>	
lands, execution of documents re.....	702
power to sell.....	702
trusts re, annulled.....	701
vested in City.....	701
use of proceeds of sale of lands.....	702
<b>CHILD WELFARE</b>	
<b>ADOPTION</b>	
adoption order, application for.....	71
chambers, heard in.....	71
expiry of.....	71
guardian <i>ad litem</i> re.....	71
certified copies of.....	74
child born out of wedlock, re.....	74
conditions for making of.....	73
consent to, execution of.....	73
factors considered before making.....	73
granting of.....	71
inspection of material re.....	74
jurisdiction re.....	71
more than one person, by.....	71
refusal of.....	71
single person, by.....	71
where, may not be made.....	71
who may apply for.....	71
who may be adopted by.....	71
applicant under 25 years of age, etc.....	71
child, adopted, name of.....	73, 74
otherwise than under Act.....	75
status of.....	75
exception re.....	75
born out of wedlock, of.....	74
consent of, required when married or of age.....	72
defined.....	70
female and under age.....	71
married or of age, of.....	72
placement of, for adoption.....	76
previously adopted, adoption of.....	75

CHILD WELFARE—*Continued*

PAGE

ADOPTION—*Continued*

consent, child, of, required for adoption order where child married	
or of age . . . . .	72
dispensed with . . . . .	72
execution of . . . . .	74
mother, of, required where child born out of wedlock . . . . .	72
parent, etc., of . . . . .	72
society, of, required for, where child Crown ward . . . . .	72
spouse of applicant, of . . . . .	72
spouse, of, required where child is married . . . . .	72
withdrawn . . . . .	72, 73
custody, interim, order for . . . . .	74
Director, certificate of . . . . .	73
copy of adoption order to . . . . .	74
inspection of adoption papers authorized by . . . . .	74
interim custody, order for, approved by . . . . .	74
placement for adoption, notified re . . . . .	76
guardian <i>ad litem</i> , application for adoption order, re . . . . .	71
interim custody re . . . . .	74
jurisdiction re adoption order . . . . .	71
local director, certificate of . . . . .	73
name of adopted child . . . . .	73, 74
papers to be sealed . . . . .	74
parent, adopting, copy of adoption order to . . . . .	74
status of . . . . .	75
penalty, for payment or reward, for . . . . .	76
failure to register placement, for . . . . .	76
placement for . . . . .	76
registration of . . . . .	76
Registrar-General, copies of adoption order to . . . . .	74
report by society re placement for . . . . .	75, 76
society, report re placement for adoption by . . . . .	75, 76
status of adopted child . . . . .	75
time, application for adoption order, for hearing . . . . .	71

## AGREEMENTS

collecting maintenance from parents . . . . .	55
joint homes and special services . . . . .	49
maintenance by putative father . . . . .	64
in reciprocating state of children born out of wedlock . . . . .	49

## CHILDREN BORN OUT OF WEDLOCK

affiliation order, amount payable under . . . . .	67
reversion of . . . . .	67
appeal from . . . . .	69
application for . . . . .	65
death of mother, effect of . . . . .	65
re-opening of . . . . .	69
society, by . . . . .	64
time for making . . . . .	65, 66
corroboration required for . . . . .	66
costs re . . . . .	70
enforcement of . . . . .	69
estate bound by . . . . .	70
granted by judge . . . . .	67
absence of putative father, in . . . . .	66, 67
hearing re . . . . .	66
infancy no bar to . . . . .	69
moneys paid to Public Trustee re . . . . .	70
investment of . . . . .	70
payments under . . . . .	68
disposition of . . . . .	68
proof of making of . . . . .	69
reports to probation officer under . . . . .	68
time for payments under . . . . .	67
variation or rescission of . . . . .	69, 70
agreements for maintenance of . . . . .	64
default under . . . . .	64, 65
disposition of moneys paid under . . . . .	64
estate bound by . . . . .	70



CHILD WELFARE—*Continued*

	PAGE
CHILDREN BORN OUT OF WEDLOCK— <i>Continued</i>	
agreements for maintenance of— <i>Continued</i>	
moneys paid to Public Trustee re. ....	70
investment of. ....	70
outside jurisdiction. ....	49
payments under. ....	64
time for payment of fixed sum under. ....	64
Children's Aid Society, application for affiliation order by. ....	65
to collect arrears. ....	68
exceptions to duty of society re. ....	64
guardian <i>ad litem</i> , application for affiliation order by. ....	65
hearing, affiliation order, re. ....	66
public excluded from. ....	66
judge, affiliation order granted by. ....	67
defined. ....	63
hearing by, re affiliation order. ....	63, 66
public excluded from. ....	66
warrant of, for arrest of putative father. ....	66
jurisdiction re affiliation order. ....	63
mother, application for affiliation order by. ....	65
municipality, application for affiliation order by. ....	65
next friend, application for affiliation order by. ....	65
notice, hearing re affiliation order of. ....	66
probation officer, reports to, under affiliation order. ....	68
protection of. ....	63-70
public trustee. ....	70
putative father, appearance of, at hearing. ....	66, 67
arrest of. ....	66
failure to appear at hearing. ....	66, 67
notice of hearing to be served on. ....	66
time, application for affiliation order, for. ....	65, 66
payment of fixed sum under affiliation order, for. ....	67
agreement, for. ....	64
warrant, arrest of putative father, for. ....	66
witnesses, summoned. ....	66
CHILDREN IN NEED OF PROTECTION	
access to wards. ....	55
Crown wardship of, adoption. ....	59, 75
duties of Crown. ....	56
society. ....	43, 57
education re. ....	59
extension of. ....	57
order for. ....	54
reports re. ....	76
termination of. ....	56, 57
transfer of. ....	56
wards under repealed Act. ....	56
defined. ....	50
foster homes for, defined. ....	51
placing of child in. ....	59
presumptions as to religion. ....	58, 59
removal from. ....	59
hearing re, adjournment of. ....	54
evidence at. ....	53, 54
notice of. ....	53
persons excluded from. ....	63
place of. ....	63
presence of child at. ....	55
required. ....	53
summoning witnesses for. ....	53
order re, access to child. ....	55
adjournment. ....	54
appeals from. ....	58
contents. ....	53, 55
Crown wardship. ....	54
dispensing with presence of child. ....	55
enforcement. ....	55
extension. ....	57
extra-provincial. ....	63

CHILD WELFARE—*Continued*

PAGE

CHILDREN IN NEED OF PROTECTION—*Continued*

order re, infancy no bar . . . . .	51
payment by parent . . . . .	55
production of child . . . . .	57
religion of child . . . . .	59
rescission . . . . .	55
society wardship . . . . .	54
terminating wardship . . . . .	56
termination of . . . . .	55
variation of . . . . .	55
place of detention for . . . . .	62
reporting ill-treatment of . . . . .	60
society wardship of, duties of society . . . . .	43, 57
education re . . . . .	59
order for . . . . .	54
termination of . . . . .	54, 56
wards under repealed Act . . . . .	57
warrants re, contents . . . . .	52
to enter building . . . . .	52
take and detain child . . . . .	52

## CHILDREN'S AID SOCIETY

advice to, by Director . . . . .	42
agreements for joint homes and special services . . . . .	49
application for affiliation order by death of mother, effect of . . . . .	65
board of directors of . . . . .	44, 45
election of . . . . .	44
executive committee of . . . . .	45
quorum of . . . . .	45
municipal representatives . . . . .	44, 45
temporary . . . . .	49
by-laws of . . . . .	43, 44, 76
regulations re . . . . .	76
defined . . . . .	41
dissolution of . . . . .	49, 50
duties and powers of, exercised by Director . . . . .	42
establishment of . . . . .	43
estimate of expenditures, adjustment . . . . .	46
approval by Minister . . . . .	46
municipality . . . . .	46
in territorial districts . . . . .	46
payment of . . . . .	47, 48
instalments . . . . .	48
preparation . . . . .	45
reference to Child Welfare Review Board . . . . .	47
regulations re . . . . .	77
statement of proportion . . . . .	45
exceptions to duty re children born out of wedlock . . . . .	64
executive committee of . . . . .	45
quorum of . . . . .	45
grants to . . . . .	47-49
regulations re . . . . .	77
guardianship of wards . . . . .	56
incorporation of . . . . .	43
inspection of, by Director . . . . .	42
joint committee for special homes . . . . .	49
local board, deemed . . . . .	49
local director appointed by . . . . .	42
officers of . . . . .	44
purposes of . . . . .	43
report of, re Crown wards . . . . .	75
placement for adoption . . . . .	76
standards of services . . . . .	43
supervision of, by Director . . . . .	42

## CHILD WELFARE REVIEW BOARD

composition . . . . .	46, 47
establishment . . . . .	46
jurisdiction . . . . .	47

CHILD WELFARE—*Continued*

PAGE

## COURT OF APPEAL

appeal to..... 58, 69

## DIRECTOR

acting, designation of..... 42

adoption order, copy sent to..... 74

application by, to waive religion re foster home..... 59

appointment of..... 41

approval of, extension of Crown wardship, for..... 57

interim adoption, for..... 74

by-laws filed with..... 43, 44

certificate of, re adoption..... 73

consent of, to adoption of Crown ward..... 72

defined..... 41

duties..... 42, 76

estimate of expenditures filed with..... 45

power of, to open adoption papers..... 74

remove Crown ward from foster home..... 59

summon police assistance..... 43

take child to place of safety..... 52

transfer Crown ward..... 56

registration of placement for adoption..... 76

reports to..... 75, 76

## DISTRICT CHILD WELFARE BUDGET BOARD

appointment of members of..... 46

approval of estimates by..... 46

## EXPENSES

regulations re..... 77

## FEES

regulations re..... 77

## FORMS

estimate of expenditure..... 45

regulations re..... 77

statement of proportion..... 45

## GRANTS

capital, administrative buildings, for..... 48

buildings for special needs, for..... 49

special..... 48

## INVESTIGATION

ordered by Minister..... 42

powers of judge on..... 42

report on..... 42

scope of..... 42

## LEGISLATURE

appropriation of moneys by..... 47-49, 78

## LIEUTENANT GOVERNOR IN COUNCIL

chairman of Review Board appointed by..... 47

Director appointed by..... 41

dissolution of society by..... 49, 50

grants paid by..... 48, 49

special grants by..... 48

temporary boards appointed by..... 49

## LOCAL DIRECTOR

appointment..... 42

certificate re adoption..... 73

defined..... 41

duties..... 42

officer under *Public Authorities Protection Act*..... 43

powers of, constable, as..... 43

remove Crown wards from foster homes, to..... 59

school attendance officer, as..... 43

summon aid of police, to..... 43

take child to place of safety, to..... 52

CHILD WELFARE—*Continued*

PAGE

## MINISTER

acting Director designated by .....	42
agreements by .....	49
annual report of Director to .....	42
approval by, buildings grants .....	48, 49
by-laws .....	43, 44
estimate of expenditures .....	46
joint committee .....	49
defined .....	41
investigation order by .....	42

## MUNICIPALITY

agreements to collect maintenance .....	55
appeal by, to Child Welfare Review Board .....	47
approval of estimates by .....	46
by-laws for payments by .....	49
defined .....	41
licences for child to perform in public .....	61
notice to, re hearing .....	53
payments by, for evidence .....	54
to societies .....	47
to, capital grant .....	48
special grant .....	48
place of detention provided by .....	62
proportion of estimates payable by .....	45
representation of, board of directors .....	44, 45
District Child Welfare Budget Board .....	46
executive committee .....	45
society deemed local board of .....	49

## OFFENCES

causing child to beg, perform, etc. ....	60, 61
child engaging in street trade or occupation .....	61
loitering in public place .....	62
desertion of, or failure to protect child .....	60
failure to register placements for adoption .....	76
interference with wards .....	59, 60
leaving child unattended .....	60
payments for adoptions .....	76
presumption as to age .....	62

## OFFICIAL GUARDIAN

guardian <i>ad litem</i> in applications re, children in need of protection ....	52
of unmarried mothers ....	65
costs of .....	52, 65

## REGULATIONS

authority for .....	76, 77
defined .....	41

## REPEAL

former provisions .....	78
-------------------------	----

## CHILDREN

*See* CHILD WELFARE.

CHILDREN'S INSTITUTIONS.

HOMES FOR RETARDED CHILDREN.

TRAINING SCHOOLS.

## CHILDREN'S INSTITUTIONS

grants, for acquisition of buildings .....	79
construction of buildings .....	79
maintenance .....	80
regulations for maintenance grants .....	80

## CLARKE INSTITUTE OF PSYCHIATRY

*See* ONTARIO MENTAL HEALTH FOUNDATION.

## COLLEGES OF APPLIED ARTS AND TECHNOLOGY

*See* DEPARTMENT OF EDUCATION.

	PAGE
COMMUNITY CENTRES	
grants, to school boards.....	81
COMMUTER SERVICES	
agreements for commuter services.....	83
expropriation procedures.....	84
Minister, defined.....	83
delegation by.....	83
powers of.....	83
moneys.....	84
CONFEDERATION CENTENNIAL	
grants, Indian bands, to.....	85
municipalities, to.....	85
CONSTRUCTION SAFETY	
agreements for joint inspection.....	88, 89
application of Act.....	88
building permits, notice of issuance.....	89
constructors, duties of.....	91
definitions, chief officer.....	87
constructor.....	87
owner.....	87
project.....	87, 88
subcontractor.....	88
information, false.....	89
power to require.....	89
local municipality, withdrawal from county.....	89
minimum age for employees.....	91, 92
regulations re.....	93
notice of bodily injury, to chief officer.....	93
inspector.....	92
Workmen's Compensation Board.....	92
offences, endangering safety.....	92
failure to comply with stop-work order.....	93
report of.....	90
restraining orders.....	90, 91
enforcement.....	91
<i>ex parte</i> .....	91
procedure.....	90, 91
stop-work orders.....	90
compliance with.....	90, 93
posting of.....	90
CORNWALL (CITY)	
by-law to reduce levy, set out.....	704
validated.....	703
CORONERS	
evidence of notification of death.....	95
inquest, direction to hold.....	96
fees upon juror.....	99
witnesses.....	99
jurisdiction to hold.....	95
jury required for.....	98
required for death in reformatory.....	97, 98
return of.....	98
summoning witnesses for.....	98
investigation by Crown in other jurisdiction.....	95
fees upon.....	99
report of, to supervising coroner and Crown attorney....	96
seizure of wreckage for.....	97
where cause of death outside jurisdiction.....	96, 97
<i>post mortem</i> examinations, fees re.....	99
report of.....	98
where cause of death outside jurisdiction....	96, 97
CORPORATIONS	
investment of funds, insurer.....	101, 102
joint stock or cash mutual insurance company...	102, 103



	PAGE
CORPORATIONS TAX	
degree of Canadian ownership, determination of.....	105-113
depreciation.....	115, 116
fiscal year, to which amendments apply.....	124
certain provisions of Act apply.....	124
income, computation of, from farming or profession.....	121-123
sale of accounts receivable.....	121
deducted from, expenditures for scientific research.....	120, 121
legal costs on tax appeals.....	114
loss on sale of agreement for sale or mortgage.....	114
pension contributions.....	113
included in, legal costs received re tax appeals.....	113
pension benefits.....	113
unpaid expenses.....	114, 115
not included in, dividends from personal corporations.....	116
income from carrying on new manufacturing or processing business in designated area ..	116-120
tax on premiums of insurance companies.....	113
taxable income, computation of.....	116
on sale of accounts receivable.....	121
COUNTY COURTS	
appointment of clerk and staff.....	127
COUNTY JUDGES	
appointment of junior judges in Middlesex.....	129
COURTS	
<i>See</i> COUNTY COURTS.	
DIVISION COURTS.	
SURROGATE COURTS.	
<b>D</b>	
DEAD ANIMAL DISPOSAL	
Director, defined.....	131
substituted for, Commissioner.....	131
DENTISTRY	
return of licences granted.....	133
DEPARTMENT OF AGRICULTURE	
hay, grain and water, guarantee of loans re.....	135, 136
DEPARTMENT OF EDUCATION	
ADMISSION REQUIREMENTS	
regulations re.....	139
ADVISORY COMMITTEES	
composition of.....	138
powers and duties.....	138
to assist boards.....	137
travelling expenses of.....	139
BOARD OF GOVERNORS	
composition of.....	138
corporation as.....	137
powers and duties.....	137, 138
travelling expenses of.....	139
CERTIFICATES AND DIPLOMAS	
regulations re.....	139
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	
board of governors of.....	137
cost of.....	138
establishment, etc.....	137
incorporation of technical institutes with.....	139

DEPARTMENT OF EDUCATION— <i>Continued</i>	PAGE
COUNCIL OF REGENTS	
composition of .....	138
duties .....	137
travelling expenses of .....	139
FEES	
regulations re. ....	139
PROGRAMMES	
regulations re. ....	138
REGULATIONS	
application to universities .....	139
authority to make .....	138
TEACHING STAFF	
regulations re. ....	139
DEPARTMENT OF MUNICIPAL AFFAIRS	
land vested in municipality for arrears, expenditures on .....	141
municipal auditors, licensing of .....	141
DEPARTMENT OF PUBLIC WELFARE	
moneys appropriated for subsidies .....	143
subsidies for cost of administration of welfare services .....	143
DETENTION CENTRES	
<i>See</i> REGIONAL DETENTION CENTRES.	
DEVOLUTION OF ESTATES	
vesting of undistributed real property .....	145
DIVISION COURTS	
distribution sheet for consolidation accounts .....	147, 148
jurisdiction .....	147
return of fees .....	147
DOG TAX AND CATTLE, SHEEP AND POULTRY PROTECTION	
Act, name of, changed .....	149
by-laws, prohibiting or regulating the running at large of dogs, for . . .	149
live stock, defined .....	150
liability, of municipality for damage to .....	151
denial of .....	151
substituted for cattle, sheep .....	150-152
valuers, reports of, limitation of amounts in .....	151, 152
DRAINAGE	
court of revision under county assessment commissioner .....	153
provisional by-law, copy to local municipalities .....	153
DRUG ADDICTION	
<i>See</i> ALCOHOLISM AND DRUG ADDICTION RESEARCH FOUNDATION.	

## E

EAST YORK FOUNDATION	
audit .....	711, 712
Board of Directors, by-laws of .....	707
members .....	705, 706
by-laws .....	707
donations, powers re. ....	712
to Foundation .....	710, 711
Foundation, audit .....	711
Board of Directors .....	705, 706
donations accepted by .....	710
established .....	705
objects of .....	705
powers of .....	707, 710
nominating committee .....	706, 707

	PAGE
EAST YORK (TOWNSHIP)	
night-time parking on streets. ....	713, 714
use of untravelled portion of highway. ....	713
EDUCATION	
<i>See</i> DEPARTMENT OF EDUCATION.	
FRONTENAC DISTRICT HIGH SCHOOL BOARD.	
LAKEHEAD UNIVERSITY.	
ONTARIO INSTITUTE FOR STUDIES IN EDUCATION.	
PUBLIC SCHOOLS.	
SCHOOLS ADMINISTRATION.	
SECONDARY SCHOOLS AND BOARDS OF EDUCATION.	
SEPARATE SCHOOLS.	
SHUNIAH (MUNICIPALITY).	
UNIVERSITY EXPROPRIATION POWERS.	
UNIVERSITY OF GUELPH.	
UNIVERSITY OF OTTAWA.	
UNIVERSITY OF TORONTO.	
YORK UNIVERSITY.	
ELEVATORS AND LIFTS	
adoption of Canadian Standards Association Safety Code. ....	157
regulations re. ....	158
application of Act. ....	155, 156
definitions, attendant. ....	155
elevator. ....	155
incline lift. ....	155
fees for, certificate of competency. ....	158
copies of inspector's report. ....	158
examination. ....	158
inspections. ....	156, 157
inspectors, appointment of. ....	156
report of, to insurers. ....	157
licences, continuance of. ....	158
required. ....	158
term of. ....	157
notice of failures and accidents. ....	157
EMERGENCY MEASURES	
Director, defined. ....	159
duties. ....	159
Emergency Measures Branch established. ....	159
emergency powers, delegation of. ....	160, 161
municipal. ....	160, 161
provincial. ....	160, 161
ENERGY	
licence for machine to bore or drill. ....	163
regulations for, registration of fitters. ....	164
spacing units. ....	164
terms and conditions of leases. ....	163
well defined. ....	163
ENERGY BOARD	
<i>See</i> ONTARIO ENERGY BOARD.	
EXPROPRIATION	
<i>See</i> EXPROPRIATION PROCEDURES.	
UNIVERSITY EXPROPRIATION POWERS.	
EXPROPRIATION PROCEDURES	
board of negotiation. ....	165, 166
<i>Drainage Act, 1962-63</i> , application of Act to. ....	165
negotiation proceedings. ....	165, 166
pending cases re. ....	167
tribunal for determining compensation. ....	166, 167

# F

	PAGE
<b>FARM PRODUCTS MARKETING</b>	
advisory committees.....	170, 171
appeals.....	169, 172, 173
Board, liability of members of.....	169
quorum.....	169
vice-chairman.....	169
conciliation boards.....	171
<b>FINANCIAL ADMINISTRATION</b>	
administrative directives.....	175
disposal and retention of records.....	175
duties of Comptroller of Finances.....	175
printing and stationery accounts.....	175, 176
set-off.....	176
<b>FIRE MARSHALS</b>	
duty of Fire Marshal in emergency.....	177
<b>FLAG</b>	
adoption of flag for Ontario.....	179
description of flag.....	180
<b>FRONTENAC DISTRICT HIGH SCHOOL BOARD</b>	
application of school Acts.....	716
Board, composition of.....	715

# G

<b>GANANOQUE (TOWN)</b>	
debenture by-law authorized.....	717
<b>GAS AND OIL LEASES</b>	
application to declare lease void.....	181, 182
matters considered at hearing.....	182
notice of inquiry.....	182
<b>GENERAL SESSIONS</b>	
additional sittings.....	183
commencement of sittings in Essex County.....	183
<b>GUELPH UNIVERSITY</b>	
<i>See</i> UNIVERSITY OF GUELPH.	

# H

<b>HAMILTON (CITY)</b>	
compensation to persons assisting police.....	719
parking lots, speeding on.....	719, 720
<b>HAWKESBURY (TOWN)</b>	
by-laws, amended.....	722
set out.....	723-726
validated.....	721
court of revision.....	721
credit for prior payment.....	722
special assessment roll.....	721, 722
works deemed local improvements.....	721
<b>HIGHWAY IMPROVEMENT</b>	
acquisition of land for expressway or freeway.....	186
designation of development roads.....	185, 186
maintenance of tertiary roads.....	185
snow fences.....	185
penalty for interference with.....	185

HIGHWAY TRAFFIC	PAGE
COMBINATION OF VEHICLES	
weight of.....	196
COMMERCIAL MOTOR VEHICLES	
flares on disabled.....	198
lights on.....	192
new, lights on.....	196
FENCES	
notification of damage to.....	200
FLARES.....	198
HIGHWAY	
overpass part of.....	188
JUDGE	
appeal from Appeal Board to.....	190
LICENCE	
cancellation of, by Registrar.....	189
suspension of, by Registrar.....	189
where person indebted to Fund.....	199
LICENCE SUSPENSION APPEAL BOARD	
appeals to.....	189
constitution of.....	189
decisions appealable to county judge.....	190
duties of.....	189
powers of.....	190
LIGHTS	
bicycles, on.....	193
contrivances, on.....	194, 195
clearance, on wide vehicles.....	191, 192
commercial vehicles, on.....	192
farm tractors, on.....	195
motor vehicles, on.....	190
new commercial motor vehicles, on.....	196
motor vehicles, on.....	190, 191
number plate, on.....	194
parked vehicles, on.....	191
side markers.....	193
traction engine, on.....	194
trailer, on.....	194
vehicles, on.....	195
warning.....	198
NOTICE OF SUSPENSION BY REGISTRAR.....	199
NUMBER PLATES	
cleanliness of.....	188
violations as to.....	188
PARKING	
defined.....	187
interference with traffic by.....	199
regulations re.....	198
removal of vehicles illegally.....	199
roadway, on.....	197
PASSING BEAM	
use of.....	197
PEDESTRIAN CROSSOVER	
defined.....	187



HIGHWAY TRAFFIC—*Continued*

PAGE

## PERMIT

cancellation of, by Registrar .....	189
suspension of, by Registrar .....	189
where person indebted to Fund .....	199

## REGISTRAR

cancellation of licences by .....	189
decision of, appealable .....	189

## SEMI-TRAILERS

weight of .....	196
-----------------	-----

## STANDING

defined .....	187
interference with traffic by .....	199
regulations re. ....	198
removal of vehicles illegally .....	199

## STOPPING

defined .....	187
regulations re. ....	198

## SUSPENSIONS

notice of .....	199
-----------------	-----

## TELEVISION

motor vehicles, in .....	195, 196
--------------------------	----------

## TRAILER

flares on disabled .....	198
lights on .....	194

## HISTORIC SITES

*See* ARCHAEOLOGICAL AND HISTORIC SITES PROTECTION.

## HOMES FOR RETARDED CHILDREN

grants, for acquisition of buildings .....	201
construction of buildings .....	201
maintenance .....	202
regulations for maintenance grants .....	202

## HOSPITAL LABOUR DISPUTES ARBITRATION

## Act

application of .....	203
expenses in administration of .....	209

## ARBITRATION

application of <i>The Arbitrations Act</i> to .....	206
when dispute to be decided by .....	204

## BARGAINING

resumption of .....	204
---------------------	-----

## BOARD OF ARBITRATION

appointment of .....	204, 205
assistants for .....	209
decision of .....	206, 207
persons prohibited as members of .....	205
powers and duties of .....	206
procedure of .....	206, 209
remuneration of .....	209
replacement of chairman of .....	205
member of .....	205
vacancies on .....	205

## COLLECTIVE AGREEMENT

extension of period to make .....	204
failure to execute .....	207
retroactivity of .....	207, 208
term of .....	207
where reached .....	206
not reached .....	206, 207

HOSPITAL LABOUR DISPUTES ARBITRATION— <i>Continued</i>	PAGE
EMPLOYERS	
alteration of working conditions by .....	209
application of Act to .....	203
lock-out by, prohibited .....	208
HOSPITAL	
defined .....	203
HOSPITAL EMPLOYEE	
alteration of working conditions of .....	209
application of Act to .....	203
<i>Labour Relations Act</i> to .....	204
defined .....	203
strike by, prohibited .....	208
LABOUR RELATIONS ACT	
application of expressions in .....	203
to employees .....	204
unlawful strike provisions of .....	208
declaration under section 89 of .....	204
offences under .....	209
LOCK-OUTS	
application of <i>Labour Relations Act</i> to .....	208
current .....	209, 210
prohibited .....	208
MINISTER	
consent of, for extension of time .....	204
defined .....	203
order of, to expedite proceedings .....	206
OFFENCES .....	209
ORDER OF MINISTER TO EXPEDITE PROCEEDINGS .....	206
PARTY	
defined .....	203
REGULATIONS	
authority to make .....	209
REPRESENTATION APPLICATIONS .....	208, 209
STRIKES	
application of <i>Labour Relations Act</i> to .....	208
current .....	209, 210
prohibited .....	208
TRADE UNIONS	
application of Act to .....	203
HOSPITAL SERVICES COMMISSION	
Commission defined .....	211
name of Commission specified .....	211
HOSPITALS	
<i>See</i> HOSPITAL LABOUR DISPUTES ARBITRATION.	
HOSPITAL SERVICES COMMISSION.	
MENTAL HOSPITALS.	
OWEN SOUND GENERAL AND MARINE HOSPITAL.	
PRIVATE HOSPITALS.	
PUBLIC HOSPITALS.	
HOUSING	
<i>See</i> ONTARIO HOUSING CORPORATION.	
HUMAN RIGHTS	
<i>See</i> ONTARIO HUMAN RIGHTS CODE.	

## I

	PAGE
INCOME TAX	
rate of tax.....	213
INDUSTRIAL SITES	
<i>See</i> MUNICIPAL.	
INSTITUTE FOR STUDIES IN EDUCATION	
<i>See</i> ONTARIO INSTITUTE FOR STUDIES IN EDUCATION.	

## J

JAILS	
<i>See</i> REGIONAL DETENTION CENTRES.	
JEWISH HOME FOR THE AGED, GRANT TO	
<i>See</i> MUNICIPALITY OF METROPOLITAN TORONTO.	
JOHN GRAVES SIMCOE MEMORIAL FOUNDATION	
<i>See</i> SIMCOE MEMORIAL FOUNDATION.	
JUDICATURE	
judgment after leaving office.....	215
number of judges in High Court.....	215
Official Guardian, acting when office vacant.....	216
appointment of deputies of.....	215, 216
referee's report.....	215
Rules Committee, composition of.....	216
JUNIOR FARMER ESTABLISHMENT	
mortgagor, holder of life interest as.....	217
repayment.....	217
valuator's report.....	217
JUSTICES OF THE PEACE	
application of <i>Labour Relations Act</i> .....	219

## K

KITCHENER (CITY)	
dissolution of former bodies.....	728
Parks and Recreation Commission, established.....	727
estimates of.....	728, 729
powers and duties of.....	728

## L

LAKEHEAD UNIVERSITY	
ACT	
former, repealed.....	229
ANNUAL REPORT.....	228
AUDIT.....	228
BOARD	
annual report of.....	228
audit of accounts of.....	228
chairman of.....	223
composition of.....	222, 223

LAKEHEAD UNIVERSITY—*Continued*

PAGE

BOARD—*Continued*

corporate body.....	222
defined.....	221
investment of funds of.....	228
management of University by.....	224
members of, appointment of.....	223
term of office.....	223
power to acquire property.....	227
powers, general.....	224, 225
trust property vested in.....	228
vacancies on.....	223
declaration of.....	224

## CHANCELLOR

defined.....	221
election of.....	227
vacancy in office of.....	227

## DEGREES

granting of.....	222
------------------	-----

## ELECTORAL BOARD

chairman of.....	227
election of Chancellor by.....	227

## FACULTIES

establishment of.....	222
-----------------------	-----

## PRESIDENT

appointment of.....	226
financed.....	221
powers and duties of.....	226, 227

## PROPERTY

application of.....	228
defined.....	221
powers of Board re.....	227
tax exempt.....	228

## REAL PROPERTY

application of statute of limitations to.....	228
defined.....	221
liability of, to expropriation.....	228

## RELIGIOUS TESTS

not to be required.....	227
-------------------------	-----

## SENATE

composition of.....	225
defined.....	221
powers of.....	226

## TEACHERS' SUPERANNUATION ACT

application of, to teachers.....	227
----------------------------------	-----

## TEACHING STAFF

application of <i>Teachers' Superannuation Act</i> to.....	227
defined.....	221
religious tests not required of.....	227

## UNIVERSITY

affiliation powers.....	228
College created.....	221
defined.....	221
degrees granted by.....	222
faculties, schools established by.....	222
objects of.....	222

## VICE-PRESIDENT

appointment of.....	226
---------------------	-----

	PAGE
LAND TITLES	
registration of Crown grants . . . . .	231
LEGISLATIVE ASSEMBLY	
advances . . . . .	233
allowances . . . . .	233
indemnities . . . . .	233
mileage allowances . . . . .	233, 234
LIMITED PARTNERSHIPS	
filing and recording of certificates . . . . .	235
LIQUOR CONTROL	
affidavit on appeal . . . . .	254
alcoholic compounds, possession and sale of . . . . .	245
analysis of patent proprietary medicines . . . . .	246
annual report . . . . .	239
application of Act . . . . .	245
audit . . . . .	239
Board, actions against . . . . .	239
appointment of officers and staff by . . . . .	238
conflict of interest of members of . . . . .	250
expropriations by . . . . .	239
powers of, to lease and build . . . . .	238
regulations by . . . . .	238
stated case on point of law by . . . . .	239
brewers' licences . . . . .	243
hearing re . . . . .	240
brewers' marks . . . . .	246
cancellation of licences . . . . .	244
appeal from . . . . .	244
certificate of . . . . .	254
hearing upon . . . . .	240
consumption of liquor, illegally acquired . . . . .	246, 248
in hotels . . . . .	248
on Board premises . . . . .	240, 246
defects in documents do not invalidate . . . . .	254
definitions, alcohol . . . . .	237
liquor . . . . .	237
Ontario wine . . . . .	237, 238
spirits . . . . .	238
delivery of liquor . . . . .	240, 241
evidence, certificate of cancellation . . . . .	254
onus of proof . . . . .	253, 254
examination of books . . . . .	243
forfeited liquor, disposition of . . . . .	253
funds, reserve . . . . .	239
to purchase liquor . . . . .	239
interdiction order, by Board . . . . .	247
judge . . . . .	248, 249
notice of . . . . .	249
revocation of . . . . .	249
managers . . . . .	240
minors, issuance of permits to . . . . .	246
possession, consumption, etc., of liquor by . . . . .	246
oaths, administration of . . . . .	239
offences and penalties, conflict of interest . . . . .	250
corporations . . . . .	250
officers of . . . . .	251
failure to apply brewers' marks . . . . .	246
furnish samples . . . . .	243
make monthly returns . . . . .	243
false statements re permits . . . . .	250
first offence, re . . . . .	249
general . . . . .	251
illegal consumption, of denatured alcohol . . . . .	245
liquor . . . . .	250
possession of liquor . . . . .	246
sale of liquor . . . . .	249, 250
interdicted person, in Government store . . . . .	248
providing liquor to . . . . .	250



	PAGE
<b>LIQUOR CONTROL—Continued</b>	
offences and penalties, methylic alcohol, mixing with . . . . .	250
minors, providing liquor to . . . . .	250
refusal to allow examination of books . . . . .	243
supply samples of patent proprietary medicines . . . . .	246
soliciting sales . . . . .	250
Ontario wine producer's licence . . . . .	243, 244
hearing . . . . .	240
penalties ( <i>see</i> offences and penalties).	
permits, cancellation of . . . . .	242
expiration of . . . . .	241
for dentists . . . . .	245
druggists . . . . .	244
hospitals . . . . .	245
physicians . . . . .	244, 245
veterinary surgeons . . . . .	245
hearing . . . . .	240
issuance of . . . . .	241, 242, 246
restriction on number and issuance of . . . . .	242
use of . . . . .	242
possession of liquor, generally . . . . .	248
in hotels . . . . .	248
previous convictions . . . . .	254
public place, residence declared a . . . . .	242
purchase of liquor outside Ontario . . . . .	242
orders, duplicate . . . . .	239, 240
false statement on . . . . .	248
purposes of Act . . . . .	254
sale of liquor, days and hours of . . . . .	238, 240
wine . . . . .	244, 248
seal . . . . .	246
search by constable . . . . .	251, 253
warrant for . . . . .	252, 253
seizure by constable . . . . .	251, 253
restoration after . . . . .	252, 253
stated case on point of law . . . . .	239
supplying liquor to person whose permit is suspended or cancelled . . . .	247, 248
<b>LIQUOR LICENCE</b>	
audit . . . . .	256
Board, powers of, to compel evidence . . . . .	256
investigate . . . . .	257
seize and examine records . . . . .	257
classification of establishments . . . . .	259
definitions, aircraft . . . . .	255
club . . . . .	255
establishment . . . . .	255
Government store . . . . .	255
hotel or inn . . . . .	255, 256
permit . . . . .	256
tavern . . . . .	256
theatre . . . . .	256
evidence, as to age . . . . .	260
of possession . . . . .	261
removal . . . . .	261
licences, applications for . . . . .	260
cancellation of . . . . .	260
for aircraft . . . . .	258
clubs . . . . .	259
hotels and inns . . . . .	257, 258
issuance of . . . . .	259
qualifications for . . . . .	259
rights in . . . . .	259
offences and penalties, corporations . . . . .	261
general . . . . .	260
serving minors . . . . .	261
orders, issuance of . . . . .	257
regulations, fees re applications . . . . .	261
forms and service . . . . .	261
military mess permits . . . . .	261

	PAGE
LIQUOR LICENCE— <i>Continued</i>	
shares of corporate licensee, issue or transfer of . . . . .	260
special occasion permits . . . . .	257
vote, validity of . . . . .	261
LIVE STOCK COMMUNITY SALES	
Director, defined . . . . .	263
substituted for Commissioner . . . . .	263
Chief Inspector, appointment of, by Minister . . . . .	263
Inspectors, appointment of, by Minister . . . . .	263
LOAN AND TRUST	
investment of loan company, in mortgages, on property in Canada . . . . .	266, 267
Ontario . . . . .	266
real property . . . . .	267
trust company, in mortgages . . . . .	267, 268
real property . . . . .	268
lease-back . . . . .	268
limit of borrowing . . . . .	265
on guarantee funds . . . . .	265, 266
registration of extra-provincial trust companies . . . . .	266
returns . . . . .	268, 269
LOCAL IMPROVEMENT	
published, defined . . . . .	271
LOCAL ROADS BOARDS	
election of trustees . . . . .	273
existing boards deemed duly established . . . . .	273
owner, defined . . . . .	273
LODGING HOUSES	
<i>See</i> MUNICIPAL.	
LOGGERS' SAFETY	
administration of Act . . . . .	275
chief officer . . . . .	275
notice of accidents . . . . .	275
LOGGING TAX	
application of amendment . . . . .	277
exchange of information between governments . . . . .	277
LONDON (CITY)	
development of land, control of . . . . .	731-733
water supply agreement, authorized . . . . .	731
set out . . . . .	734-737
LONDON (TOWNSHIP)	
drainage by-law, confirmed . . . . .	739
set out . . . . .	740-748
LORD'S DAY (ONTARIO)	
<i>Municipal Act</i> , application of Part XXI of . . . . .	279

## M

MARRIAGE	
evidence of age . . . . .	281
fees . . . . .	281, 282
form of consent . . . . .	281-283
offence and penalties, for false statement . . . . .	282
in consent . . . . .	282
MEAT INSPECTION	
animals, slaughter of, manner of and devices for, prescribed by	
regulations . . . . .	286
Director, defined . . . . .	285
substituted for Commissioner . . . . .	285, 286
meat, transportation and delivery, regulations re . . . . .	286

	PAGE
MEDICAL	
complaints committee.....	287, 288
Council, constitution of territorial divisions.....	288
professional misconduct.....	288
qualifications for registration.....	287
MEDICAL SERVICES INSURANCE	
Act, commencement.....	302
interpretation.....	289-291
assistance in paying premiums.....	295
benefits, amount of fees paid re.....	299, 300
limitation of.....	297, 302, 303, 304
where more than one contract.....	301
statutory.....	301
conflict, Act to prevail where.....	301
exemptions, application for.....	296
by Minister.....	291
recommended by Council.....	292
regulations re.....	302
licences for carriers, appeal, of refusal of.....	296
suspension or cancellation.....	296
application for.....	296
granting of.....	296
qualifications for.....	295
required.....	295
suspension or cancellation of.....	296
Medical Carriers Incorporated, annual assessment of members of.....	293
arbitration of.....	294
determination of amount of.....	293, 294
board of directors of.....	292, 293
chairman of.....	293
establishment of.....	292
functions of.....	293, 299
membership of.....	292
minutes and reports.....	294
voting.....	294
Medical Services Insurance Council, chairman.....	291
establishment of.....	291
functions, appeals re licences.....	296
assistance.....	295
general.....	292, 302
membership.....	291
quorum.....	292
vacancies.....	292
Division, provision of contracts through.....	295
status of.....	295
Minister, defined.....	290
duties.....	291
powers.....	291, 295
moneys for purposes of Act.....	301
offences and penalties, carrying on business without licence.....	296
refusal to sell standard contract.....	296
physician, choice of.....	301
qualifications, for insurance.....	294
co-insurance.....	294, 295
rates, adjustment of maximum.....	299
subscription.....	299
maximum, not to be exceeded.....	297, 299
prescribed.....	302
notice of change of.....	299
regulations.....	302
standard contracts, appeal of.....	299, 302
applications for.....	297, 298
cancellation of.....	298, 299
carriers required to issue.....	296
co-insurance, contents of.....	304
rights to.....	294-296
contents of.....	303, 304
defined.....	291
Medical Services Insurance Division, with.....	295, 302
on going out of business.....	300, 301

MEDICAL SERVICES INSURANCE—*Continued*

PAGE

standard contracts—*Continued*

qualifications for .....	297
rights to .....	294
subscription rate for .....	297
transfer to or from group contract .....	297, 298
waiting period for .....	297, 298

MENTAL HEALTH FOUNDATION

*See* ONTARIO MENTAL HEALTH FOUNDATION.

MENTAL HOSPITALS

actions by next friend where Public Trustee is committee .....	307, 308
admissions, after discharge .....	306
generally .....	305
of informal patients .....	305, 306
who are habitues .....	306
committee, continues to serve after admission .....	306
Public Trustee as, ceases on appointment of committee	
under <i>The Mental Incompetency Act.</i> .....	307
continues upon patient becoming	
informal patient .....	307
<i>ex officio</i> .....	307
replacement of by Public Trustee .....	306, 307

METROPOLITAN TORONTO CONVENTION AND VISITOR  
ASSOCIATION, GRANT TO

*See* MUNICIPALITY OF METROPOLITAN TORONTO.

MILK

Act, purpose of .....	311
advisory committees, constitution and powers of, regulations re. ....	319
agreements, commencement of .....	323
defined .....	309
duration of .....	323
filing of .....	323
negotiating agencies for making, regulations re. ....	320
re-negotiation of .....	323
appeals, commission, to .....	334
hearing of .....	335
marketing board, to .....	334
notice of .....	335
decision on .....	335
hearing of .....	335
re-hearing of .....	336
service of notice of .....	334
awards, commencement of .....	323
defined .....	309
duration of .....	323
filing of .....	323
re-negotiation of .....	323
boards of arbitration, constitution and procedures of, regulations re. ....	321
books and records, inspection of .....	324, 325
production of .....	314, 324, 325
by-laws, appointing municipal inspectors .....	333
hours of delivery, re. ....	333
licences, re. ....	333
marketing board, of, regulations re. ....	313
cheese factory, defined .....	309
Commission, chairman of .....	312
composition of .....	311
defined .....	309
delegation of powers to marketing board by .....	314, 323
marketing plan, recommendations re establishment of, by .....	315
members .....	311
remuneration of .....	312
operation of plants .....	327-332
powers and duties of .....	312, 313, 316
quorum of .....	312
regulated products .....	316-323
regulations, power to make re filing of annual statements,	
etc., by marketing board .....	313, 314



	PAGE
MILK— <i>Continued</i>	
concentrated milk plant, defined . . . . .	309
conciliation boards, constitution and powers of, regulations re . . . . .	320
co-operative corporation, transportation of milk by . . . . .	327
cows, regulations re health of . . . . .	328
cream, regulations re, power to make . . . . .	328-330
cream receiving station, defined . . . . .	309
creamery, defined . . . . .	309
dairy, defined . . . . .	309
distributor, defined . . . . .	309
distribution areas, regulations re . . . . .	330
licence to carry on business as . . . . .	327
evidence, certified copies of documents admissible in . . . . .	334
field-man, defined . . . . .	310
obstruction of . . . . .	324
powers of . . . . .	314
fluid milk products, defined . . . . .	310
regulations re . . . . .	329-332
food colouring, addition of, to milk or cream, regulations re . . . . .	328
grade A milk, defined . . . . .	310
designation of, in regulations . . . . .	332
industrial milk, defined . . . . .	310
designation of, in regulations . . . . .	332
injunction, proceedings for . . . . .	333
licence, by-laws of municipal councils re . . . . .	332
cancellation of, by injunction . . . . .	333
defined . . . . .	310
regulations re . . . . .	317, 327
vendors, licensing of, by-laws re . . . . .	332
Lieutenant Governor in Council, appointment by, members of	
commission of . . . . .	311
regulations by, re plans . . . . .	315, 316
remuneration of members of	
commission determined by . . . . .	312
staff of commission of . . . . .	312
marketing, defined . . . . .	310
marketing board, body corporate . . . . .	316
defined . . . . .	310
delegation of powers to, by commission . . . . .	313, 323
dissolution of, regulations re . . . . .	316
members of, provided for in plan . . . . .	315
not personally liable . . . . .	316
powers of, limited by Board . . . . .	324
regulations re . . . . .	315
validity of acts of members of . . . . .	316
milk, defined . . . . .	310
prohibition of sale of, regulations re . . . . .	328
quality of, regulations re . . . . .	329
selecting, grading, etc., of, for sale, regulations re . . . . .	329
milk products, defined . . . . .	310
designation of, by regulation . . . . .	330
receiving station, defined . . . . .	310
Minister, defined . . . . .	310
Minister of Transport, certificate by commission to, re producers'	
co-operatives . . . . .	327
municipality, by-laws of . . . . .	332, 333
defined . . . . .	332
hours of delivery prescribed by . . . . .	333
inspectors appointed by . . . . .	333
powers of . . . . .	332, 333
vendors licensed by . . . . .	332
negotiating agencies, constitution and procedures of, regulations re . . . .	320
offences, fines for . . . . .	333
injunctions re . . . . .	333
officers, obstruction of . . . . .	324, 325
penalties, price violations, for . . . . .	333
plan, amendment of, recommended by commission . . . . .	315
regulations re . . . . .	315
application of . . . . .	316
defined . . . . .	310



	PAGE
MILK— <i>Continued</i>	
plan, establishment of, recommended by commission	315
regulations re	315
plebiscite, regulations re	322
regulations re	315, 316
revocation of, regulations re	315
plant, defined	310
licence, regulations re	327
to operate	326
operation of, regulations re	327-332
permit for alteration of	326
construction of	326
plebiscite, regulations re	322
pools, regulations re	322
premises, inspection of	324
sanitary conditions of, regulations re	328
price, determination of, by negotiation or arbitration, regulations re	320, 321
penalties for failure to pay minimum	333
processing, defined	311
licensing of, regulations re	317
processor, defined	311
producer, defined	311
licensing of, regulations re	317
statements and reports to, regulations re	314
producer-processors, duties and obligations of	325
rights and privileges of	325
producer-distributors, duties and obligations of	325
rights and privileges of	325
<i>Public Inquiry Act</i> , powers of inquiry by commission under	313
quorum, commission of	312
reconstituted milk, defined	311
designation of, by regulation	332
records, inspection and production of	314, 324, 325
regulated product, defined	311
licences re, regulations re	317
regulations re	316-323
regulations, commission, by marketing boards, re	313, 314
plants, operation of	327-333
regulated product, re	316-323
defined	311
definitions in	334
Lieutenant Governor in Council, by	315, 316
limitation of	334
<i>Regulations Act</i> , non-application of	323
security, furnishing of, regulations re	318
Supreme Court, injunction by	333
transporter, defined	311
injunction re	333
vendor, defined	332
licensing of, by-laws re	332
MINING	
disputes re affixing metal tags	339
fees	339
forfeiture of rights deemed valid	340
leases, extension of times for forfeiture	338
forfeiture of	338
relief against forfeiture of	338
rental of excess area in	338, 339
work for excess area in	339
placer mining, recording of work	339
staking, common posts in contiguous claims	337, 338
surrender of unused metal tags	337
MORTGAGES	
notice of power of sale	341
MOSA (TOWNSHIP)	
drainage by-laws, confirmed	749
set out	751-756

	PAGE
MOTOR VEHICLE ACCIDENT CLAIMS	
Registrar, agent of operator, as.....	343
release of claim, effect on rights of insured of.....	343
MOTOR VEHICLE FUEL TAX	
Act, commencement.....	350
interpretation.....	345
evidence, certificate of analyst as.....	349
of place of purchase.....	348
tampering with marked fuel.....	347
that tax paid where over 40 gallons.....	348
exemptions from tax.....	346, 350
imposition of tax.....	346
information, confidential.....	348
exchange of, between governments.....	348
inquiry, by Treasurer.....	346
powers re.....	346
inspection, entry for purposes of.....	347
powers to search re.....	347
limitation for prosecutions.....	349
marked fuel, dispensing of.....	347, 350
marking of.....	346, 350
tampering with.....	347
use of.....	346, 347
moneys for purposes of Act.....	349
offences and penalties, communication of confidential information.....	348
corporations.....	349
failure to prove tax paid where over 40 gallons.....	348
false returns.....	348
general.....	349
illegal use of marked fuel.....	347
payable to Treasurer.....	349
tampering with marked fuel.....	347
regulations.....	349, 350
MUNICIPAL	
AGREEMENTS RE JUVENILE AND FAMILY COURTS	
not deemed project incurring debt.....	360
AIR HARBOURS	
establishment of.....	360
ANIMALS	
restricting number of.....	362
ANNEXATION	
compensating grants on.....	352, 353
ASSENT OF ELECTORS	
bus transportation, re.....	363
county by-laws, re.....	359, 360
ASSESSORS	
licensed.....	357
AUDITORS	
appointment of.....	357
excepted, re school boards on exempt land.....	357
BOARDS OF CONTROL	
towns, for.....	355
BUILDINGS	
special rates re sewer and water.....	366
CAR WASHES	
licensing of.....	364
CASTING VOTE	
clerk, when to have.....	354, 355

MUNICIPAL—*Continued*

PAGE

## DOCUMENTS

destruction of ..... 357, 358  
evidence, as ..... 356

## DOMESTIC FOWL

restricting number of ..... 362

## EVIDENCE

copies under seal of corporation ..... 356  
documents as ..... 356

## FINANCIAL STATEMENT

inclusion of, with tax notice ..... 356  
publication of ..... 356

## HIGHWAYS

stopping up of ..... 367

## INDUSTRIAL SITES

362, 363

## JOINT WORKS AND UNDERTAKINGS

359

## LICENCE FEE ON COMMENCING BUSINESS

provisions repealed ..... 367

## LICENSING OF PLACES AND THINGS

includes licensing of trade, etc. .... 357

## LODGING HOUSES

licensing of ..... 361, 362

## MEMBER OF COUNCIL

disqualification, exception as members of planning boards ..... 353, 354  
prohibition on voting of, exception re allowances ..... 355  
resignation of ..... 355

## MUNICIPAL PARKING LOTS

enlargement of areas re costs of ..... 361

## ONTARIO MUNICIPAL BOARD

application to, re reduction in township rates ..... 368

PARKING LOTS—*See also* MUNICIPAL PARKING LOTS.

speed and racing on ..... 363, 364

## PARK LANDS

management of ..... 360, 361

## PENSIONS

transfer of benefits ..... 358, 359

## PIGEONS

restricting number of ..... 362

## POLICE VILLAGES

application for reduction in township rates ..... 368  
dissolution of ..... 351, 352  
powers of Municipal Board on ..... 353  
present corporations continued ..... 368  
provisions for formation of, repealed ..... 368  
trustees of, remuneration ..... 368

## PUBLISHED

defined ..... 351

## SERVICE CENTRES

application of closing by-laws to ..... 365

## SHOPS

closing of ..... 364, 365

MUNICIPAL—*Continued*

PAGE

## SIDEWALKS

plants, shrubs, etc., on..... 367, 368

## SPECIAL RATES

additional sewers or water capacity, re..... 366

exempt lands in area, re..... 359

## MUNICIPAL ARBITRATIONS

application of Act..... 370

Official Arbitrator, claims determined by..... 369

provisions re assessor for, repealed..... 369

where municipality not deemed to have..... 369

## MUNICIPAL FRANCHISE EXTENSION

right to vote, general..... 371

questions, on..... 371

## MUNICIPAL FRANCHISES

county, township by-laws excepted from Act, provisions re, repealed... 373

## MUNICIPALITY OF METROPOLITAN TORONTO

## ADVANCES PENDING ISSUE OF DEBENTURES

interest on..... 376

## EXPROPRIATION PROCEDURES ACT, 1962-63

Metropolitan Corporation a municipality under..... 375

## FIRE BOAT

assumption of cost of..... 377

## GRANTS

authorized..... 377

## JUVENILE DELINQUENTS

liability of Metropolitan Corporation for support of..... 376

## LEGISLATIVE GRANTS

municipal inspectorates, re..... 376

## PENSIONS

transfer of benefits..... 375

## RAPID TRANSIT PROJECTS

tax exemption re..... 375, 376

## TRANSPORTATION SYSTEM

Metropolitan Area to include Steeles Avenue for..... 375

## N

## NEW HAMBURG (VILLAGE)

borrowing from bank validated..... 757

by-law for construction of well validated..... 757

## NORTH YORK (TOWNSHIP)

flooding, payment of claims re..... 759

Schedule..... 760-765

## NURSES

composition of Council..... 379

## O

OIL	PAGE
<i>See</i> GAS AND OIL LEASES.	
ONTARIO ENERGY BOARD	
rate base.....	381, 382
regulations by Board.....	382
ONTARIO HOUSING CORPORATION	
fiscal year.....	383
transition.....	383
ONTARIO HUMAN RIGHTS CODE	
Act binds Crown.....	386
“commercial unit” defined.....	385, 386
discrimination, in accommodation.....	385, 386
public places.....	385
ONTARIO INSTITUTE FOR STUDIES IN EDUCATION	
ACADEMIC COUNCIL.....	390
ANNUAL REPORT.....	391
AUDIT.....	391
BOARD	
annual report of.....	391
chairman of.....	391
composition of.....	387, 388
defined.....	387
established.....	387
fiscal year of.....	390
management of Institute by.....	387
members, expenses of.....	388
regulations re.....	388
powers of.....	389
property of, tax exempt.....	391
DEPARTMENT OF EDUCATIONAL RESEARCH	
transfer of, to Board.....	391
DEPARTMENT OF GRADUATE STUDIES	
transfer of, to Board.....	391
INSTITUTE	
cost of.....	390
defined.....	387
established.....	387
objects of.....	387
MINISTER	
approval of, required.....	389
defined.....	387
PROPERTY	
tax exempt.....	391
TEACHERS' SUPERANNUATION ACT	
application of, to instructional staff.....	391
ONTARIO LOAN	
loans, authorized.....	393
manner of raising.....	393



	PAGE
ONTARIO MENTAL HEALTH FOUNDATION	
Clarke Institute of Psychiatry, admission of patients . . . . .	397, 398
agreements . . . . .	396
annual audit . . . . .	397
report . . . . .	397
by-laws . . . . .	396
chairman . . . . .	396
charges to patients . . . . .	398
corporation continued . . . . .	395
funds . . . . .	396
estimates of . . . . .	396
limitation of actions . . . . .	398
members, allowances for . . . . .	397
appointment of . . . . .	395
term of office of . . . . .	395
vacancies re . . . . .	396
quorum . . . . .	396
taxation, property exempt from . . . . .	396
ONTARIO MUNICIPAL BOARD	
by-laws including approval provision not in contravention of Act . . . . .	399
contracts of district assessors, approval not required . . . . .	399
petition to Lieutenant Governor in Council, time for . . . . .	399, 400
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT SYSTEM	
investment of moneys in funds administered by Board . . . . .	401, 402
utility employees included . . . . .	401
ONTARIO SPEECH AND HEARING ASSOCIATION	
Act, application of . . . . .	771
associates, rights of . . . . .	771
Association, by-laws . . . . .	770, 771
distribution of property on dissolution of . . . . .	769
head office of . . . . .	768
incorporated . . . . .	768
membership in . . . . .	768
objects of . . . . .	768
officers of . . . . .	769
real property of . . . . .	769
audiologist, defined . . . . .	767
audiology, defined . . . . .	767
by-laws, approval of . . . . .	771
authority to pass . . . . .	770
executive council . . . . .	769, 770
officers of Association . . . . .	769
speech pathology, defined . . . . .	767
therapist, defined . . . . .	767
ONTARIO WATER RESOURCES COMMISSION	
COMMISSION	
quorum of . . . . .	403
DRAINAGE ACT, 1962-63	
referred to . . . . .	404
FALSE INFORMATION	
offence for giving . . . . .	406
FEES	
copies of documents, etc., for . . . . .	406
permits or approval, for . . . . .	406
INDUSTRIAL, COMMERCIAL ENTERPRISE	
sewage disposal for . . . . .	405, 406
INTEREST	
uniform rate of . . . . .	404
INVESTMENT COMMITTEE	
composition of . . . . .	405

ONTARIO WATER RESOURCES COMMISSION—*Continued*

PAGE

## OFFENCE

giving false information. . . . . 406

## REPORT

power of Commission to implement. . . . . 404

## RESERVE ACCOUNT

amount for improvement of project. . . . . 405

placed to credit of. . . . . 404

## WATER

taking of, into storage for watering live stock. . . . . 403, 404

## OPERATING ENGINEERS

absence from duties, notice of. . . . . 424

Act, application of. . . . . 411-413

commencement of. . . . . 427

interpretation of. . . . . 407-411

transitional provisions re. . . . . 427

Board of Examiners, cancellation or suspension of certificates by. . . . . 422, 423

composition of. . . . . 413

issuance of certificates by. . . . . 422

qualifications of members of. . . . . 425

quorum for. . . . . 413

Board of Review, appointment. . . . . 425

duties. . . . . 425

remuneration. . . . . 425

certificate of qualification, appeals re. . . . . 423, 424

cancellation or suspension of. . . . . 422, 423

display of. . . . . 424

duplicates of. . . . . 424

expiry of. . . . . 422

issuance of. . . . . 422

provisional. . . . . 422

qualifications re. . . . . 422, 426

required. . . . . 424

classification, of operating engineers. . . . . 417

operators. . . . . 417

inspectors, powers of. . . . . 413

qualifications of. . . . . 425

offences and penalties. . . . . 425

registration of plants, certificate of. . . . . 414

display of certificate and plate. . . . . 414

duplicate certificates. . . . . 424

plate denoting. . . . . 414

required. . . . . 413

regulations. . . . . 425, 426

re-registration of plants. . . . . 414, 415

shift operators for compressors. . . . . 421

temporary absences. . . . . 421, 422

therm-hour rating, computation of. . . . . 416, 417

conversion to. . . . . 415

work performed by, compressor operator. . . . . 420, 421

hoisting engineer. . . . . 420, 421

holder of provisional certificate. . . . . 421

person on increase of plant rating. . . . . 422

refrigeration operator. . . . . 420, 421

stationary engineer. . . . . 418, 420, 421

steam hoisting engineer. . . . . 420, 421

trainees. . . . . 421

## OPHTHALMIC DISPENSERS

registration requirements. . . . . 429

regulations. . . . . 429

## OSHAWA (CITY)

grants authorized. . . . . 773

	PAGE
OTTAWA (CITY)	
pedestrian promenades, authority for.....	776
cost of, apportionment.....	775, 776
establishment of.....	775
OTTAWA RIVER WATER POWERS	
ratification of agreement.....	431
schedule.....	432-435
OTTAWA UNIVERSITY	
<i>See</i> UNIVERSITY OF OTTAWA.	
OWEN SOUND GENERAL AND MARINE HOSPITAL	
corporate existence confirmed.....	777

## P

PARKING LOTS	
<i>See</i> MUNICIPAL.	
PARTNERSHIPS REGISTRATION	
fees.....	437
forms of indexes.....	438
records.....	437
refiling in other registry division.....	437
regulations re.....	438
PEEL (COUNTY)	
borrowing by-laws, two-thirds vote.....	782
committee, voting in.....	781
council, additional members on.....	779, 780
mayor, as representative.....	781, 782
votes, number of.....	780, 781
PENSION BENEFITS	
Act, commencement.....	453
interpretation.....	439, 441
annual returns.....	446
report.....	444
beneficiaries, entitlement of.....	445
revocation of appointment of.....	445
benefits.....	449, 451
contributions.....	449, 451
deductions, actions re.....	444
agreements re.....	444
moneys for purposes of Commission.....	444
notice of cancellation or refusal of registration.....	450
offences and penalties.....	452
disposition of fines.....	453
re officers of corporations.....	453
restitution re.....	452, 453
pension agency.....	445
Pension Commission of Ontario, appointment of.....	442
chairman of.....	442
composition of.....	441
continued.....	441
functions of.....	443, 444
liability of members of.....	443
quorum.....	442
security re members.....	443
staff of.....	442, 443
vacancies in.....	442
vice-chairman.....	442
pension plans, amendments to.....	450
contents of.....	446-449
winding up of.....	449, 450
reciprocal agreements.....	444

	PAGE
<b>PENSION BENEFITS—<i>Continued</i></b>	
registration of pension plans, appeals re.....	450, 451
cancellation of.....	450
certificate re.....	446
refusal of.....	446, 450
required.....	445, 446
as supplemental pension plans.....	446
regulations.....	451, 452
superintendent, appointment of.....	442
powers and duties of.....	442, 446
<b>PENTECOSTAL ASSEMBLIES OF CANADA</b>	
land, disposition of.....	783
power to acquire.....	783
<b>PENTECOSTAL BENEVOLENT ASSOCIATION, GRANT TO</b>	
<i>See</i> MUNICIPALITY OF METROPOLITAN TORONTO.	
<b>PHARMACY</b>	
hearings, cost of.....	455
examination of witnesses at.....	455
subpoenas for.....	455
<b>PIGEONS</b>	
<i>See</i> MUNICIPAL.	
<b>PLANNING</b>	
lands conveyed for public purposes, cash in lieu of.....	457
sale of.....	457, 458
plan, reference of part of, to O.M.B.....	457
special account, expenditures for park purposes out of.....	458
<b>POLICE</b>	
amalgamation of police forces, agreements for.....	462, 463
inquiry re.....	464
auxiliary police members, appointment of.....	463
authority of.....	463
oath for.....	463
termination of appointment of.....	463
boards of police commissioners, composition of.....	466
creation of.....	459, 460
duties of.....	460, 461
joint.....	460, 466
Canadian army, calling out.....	465
composition of police forces.....	460, 461
employees deemed members of force.....	461
estimate of expenditures.....	460
inquiry re municipal police, cost of evidence on.....	464
counsel on.....	464
witness fees re.....	464
moneys for policing.....	460
Ontario Police College, established.....	465
operation of.....	465
Commission, appeals as to adequacy of force.....	460
estimates.....	460
approving establishment of forces.....	460
duties of.....	463
police forces, voluntary establishment of.....	460
regulations re, oath for auxiliary police.....	466
qualifications for police.....	466
ranks for police.....	466
witness fees.....	466
responsibility for policing.....	459
special constables, appointment of.....	465
torts of constables, liability for.....	461, 462
voluntary indemnification for.....	462
<b>POWER COMMISSION</b>	
borrowing powers.....	468-471
purposes of Commission re.....	469, 470
securities.....	470, 471
guarantee of bonds.....	471, 472

	PAGE
<b>POWER COMMISSION—Continued</b>	
management of funds	467, 468
penalties	472, 473
pension plan, administration of funds re.	468
regulations re.	468
purposes and business of Commission	469, 470, 472
sinking fund, use of	467
<b>PRIVATE HOSPITALS</b>	
Commission, defined	475
internes, employment of	475
<b>PRIVATE INVESTIGATORS AND SECURITY GUARDS</b>	
Act, application	478, 479, 487
commencement	488
interpretation	477
transitional provisions	488
address for service	480
advertising	486
appeal to Court of Appeal, counsel on	484
jurisdiction upon	484
material upon	484
procedure upon	484
bonds	479, 487
evidence, certificate of Commissioner as	487
on investigation	482
review	483
exemptions	478, 479, 487
information confidential	482, 483, 485
investigation by Registrar	480, 482
licensee, acting as bailiff	486
collector of accounts	486
police	486
licences, application for	479
cancellation of	481, 482
display of	481
examinations and investigation re.	480
expiry of	481
hearing, on cancellation of	480, 482
refusal to issue	480
issuance of	480
renewal of	481
required	479
temporary	481
transfer of	481
notice, of change in business	480
Registrar's decision	483
offences and penalties	486
private investigators, age limit for	485
identification of	485
information obtained by	485
name or designation of business of	485
uniforms re.	485
refusal or cancellation of licences, appeal to Commissioner	483, 484
Court of Appeal	484
counsel re.	484
grounds for	480, 482
hearing on	480, 482
reasons for	482, 484
regulations	487, 488
review by Commissioner, application for	483
counsel on	484
evidence upon	483
hearing re.	483
jurisdiction upon	483
notice of decision upon	484
reasons for decision upon	484
security guards, age limit of	485
identification of	485
name of business of	485
uniforms for	485, 488



	PAGE
PROBATION	
officers, appointment of .....	489
jurisdiction of .....	489
status of .....	489
PROCEEDINGS AGAINST THE CROWN	
examinations for discovery .....	491, 492
notice of claim .....	491
PSYCHOLOGISTS REGISTRATION	
examinations, when dispensed with .....	493
holding out, exceptions to .....	494
temporary registration, conditions of .....	493
qualifications for .....	493
register for .....	493
removal of .....	493
PUBLIC HEALTH	
drinking water, regulations re sale of .....	495
drugs, designation of .....	496, 498
inspection re .....	497
offences and penalties re .....	497
onus of proving .....	498
regulations re .....	498
use of .....	497
offences and penalties, general .....	498
re use of drugs .....	497
sanitary conveniences, installation of .....	495, 496
separated health units, extension of .....	496
upholstered furniture, regulations re .....	495
PUBLIC HOSPITALS	
agreements for hospital instruction, regulations re .....	500
Commission, defined .....	499
indigent patients, notice to municipality re .....	499, 500
internes, employment of .....	499
medical staff, notice of disciplinary action against .....	500
PUBLIC LANDS	
Crown grant, defined .....	501
registration of, in land titles office .....	501
registry office .....	501
reservation of right of access, release of, by order of Minister .....	502
PUBLIC SCHOOLS	
AGREEMENT	
additional accommodation for pupils of other board .....	506
CONSULTATIVE COMMITTEE	
duties re township school areas .....	506, 507
COUNTY SCHOOL AREA	
apportionment of cost of .....	509
board of .....	507, 508
name of .....	509
by-laws re, effective date of .....	507
enlargement of .....	507
establishment of .....	507
trustees of, election .....	508, 509
DISTRICT SCHOOL AREAS	
apportionment of cost of .....	509, 510
ESTIMATES	
school boards, of .....	518, 519

PUBLIC SCHOOLS—*Continued*

PAGE

## FEES

education furnished by other board, re.....	506
kindergarten pupils.....	503
non-resident pupils.....	504, 505
resident pupils at more accessible school.....	504
wards.....	505

## SECTION IN UNORGANIZED TERRITORY

first meeting for election of trustees in.....	518
liability where land transferred in.....	518

## TOWNSHIP SCHOOL AREA

alteration of.....	512, 513
apportionment of cost in.....	515
board, name of.....	514
parts not rated for representation on.....	514, 515
new corporation included in.....	513, 514
rural school section in.....	506

## TRUSTEE

disqualification of, as member of other local board.....	510
wife or husband as.....	510

## UNION SCHOOL SECTION

apportionment of cost in.....	516, 517
formation in territorial district.....	515, 516

## URBAN BOARD

number of trustees.....	511
-------------------------	-----

## VOTE

casting, by clerk.....	512
secretary.....	512
tie, a rural school meeting.....	510, 511
candidates, re.....	511, 512

## WARDS

admission of.....	505
-------------------	-----

## PUBLIC SERVICE

administration of Act.....	521
classified service, exclusion from.....	521
delegation, by Commission.....	522
deputy minister.....	522
regulations, for group insurance plans.....	522
Ontario Provincial Police Negotiation Committee.....	522

## PUBLIC SERVICE SUPERANNUATION

annual audit of Fund.....	524
attachment of Fund.....	525
contributor, defined.....	523
custodian of Fund.....	524
Fund, defined.....	523
interest credited to Fund.....	523
retirement fund.....	524, 525
Teachers' Superannuation Fund, transfers from.....	523, 524
to.....	524

## PUBLIC SERVICE WORKS ON HIGHWAYS

cost of labour, defined.....	527
taking up works on or under highway.....	527, 528
apportionment of costs of.....	528
compensation re.....	528
notice of.....	527, 528
time for.....	528

## PUBLIC UTILITIES

penalties, contravention of Act, for.....	529, 530
by-laws, for.....	529

## R

	PAGE
RACING COMMISSION	
term of office of members.....	531
REGIONAL DETENTION CENTRES	
agreement for regional detention centres.....	533
regional detention centre board.....	533, 534
chairman of.....	534
composition of.....	533
powers and duties of.....	534
regional detention centres, deemed jails.....	534
establishment of.....	534
name of.....	534
REGISTRY	
affidavit as to corporation's authority to hold land.....	536
changes in registry divisions.....	535
judge's plan, effect of registration of.....	537
recording of orders of Ontario Municipal Board.....	535-537
registration of letters patent.....	536
RETAIL SALES TAX	
exemptions.....	539, 540
failure to deliver form, offence re.....	540
refund of tax.....	539
trade of property.....	539
RETARDED CHILDREN	
<i>See HOMES FOR RETARDED CHILDREN.</i>	
ROYAL CANADIAN LEGION	
branch, authority of, to hold land.....	785
certificate re constitution of.....	786
suspension of.....	786
registration of property of.....	786
seal of.....	786
command, authority of, to hold land.....	785
certificate re constitution of.....	786
suspension of.....	786
registration of property of.....	786
seal of.....	786
instruments, execution of.....	786
reference to Act in.....	786

## S

SCARBOROUGH (TOWNSHIP)	
retirement allowance to Marie Hunt.....	789
SCHOOLS ADMINISTRATION	
ADVISORY VOCATIONAL COMMITTEE	
honorarium of members of.....	543
AUXILIARY CLASSES	
fees for non-resident pupils.....	545
BOARD	
defined.....	541
BOARDING	
secondary school pupils, of.....	543, 544
CHAIRMAN	
right of, to vote.....	544

SCHOOLS ADMINISTRATION— <i>Continued</i>	PAGE
DEAF CHILDREN	
classes for . . . . .	545
DIRECTOR OF EDUCATION	
appointment of . . . . .	548
removal and suspension of . . . . .	548
FEES	
calculation of . . . . .	549, 550
pupils, of . . . . .	542
HOLIDAY	
day approved for teachers' conference . . . . .	541
<i>Emergency Measures Act, 1962-63</i> , under . . . . .	541
INSPECTORS	
provincial, appointed to act as municipal . . . . .	548
public schools, for . . . . .	546
separate schools, for . . . . .	546, 547
INSURANCE	
pupils, for . . . . .	542
NATURAL SCIENCE SCHOOLS	
acquisition of property for . . . . .	546
operation of . . . . .	546
taxation of . . . . .	546
PENSIONS	
employees, for . . . . .	544
SCHOOL SITE	
purchase of, in adjoining section . . . . .	545
SCHOOL SUPPLIES	
provision of, by boards . . . . .	541
SUPERINTENDENTS	
appointment of . . . . .	548
removal and suspension of . . . . .	548
TEACHER	
duty to record attendance . . . . .	541
guidance, appointment of . . . . .	542
maternity leave for . . . . .	542
TRANSPORTATION OF PUPILS	
agreements not exceeding 5 years for . . . . .	543
unorganized territory, in . . . . .	543
TRUSTEE	
honorarium of . . . . .	542, 543

## SECONDARY SCHOOLS AND BOARDS OF EDUCATION

ADVISORY VOCATIONAL COMMITTEE	
guidance teachers appointed by, provisions re, repealed . . . . .	558
honorarium, provisions re, repealed . . . . .	558
representation on . . . . .	558
AGREEMENTS	
municipalities over 2,000 in territorial districts, re . . . . .	559
BOARD OF EDUCATION	
territorial district, in . . . . .	558
DIRECTOR OF EDUCATION	
provisions re, repealed . . . . .	559

SECONDARY SCHOOLS AND BOARDS OF EDUCATION— <i>Continued</i>	PAGE
ELECTORS	
submission of application for debentures to.....	553, 554
ESTIMATES	
high school board, of.....	554, 555
FEES	
limitation on right to attend without payment of.....	560
pupils, of.....	559-561
HIGH SCHOOL DISTRICT	
apportionment of cost among municipalities in.....	555
attachment of continuation district to.....	551
enlargement of, in territorial districts.....	552
establishment of, in territorial districts.....	552
unorganized territory.....	552
size of.....	551
RATES	
for current purposes.....	555
TRUSTEE	
as member of other local board.....	553
disqualification of.....	553
parts of municipality not rated for.....	553
VOCATIONAL SCHOOLS	
asset when district decreased, not.....	561
WARDS	
admission of.....	560, 561
SECURITIES	
composition of Commission.....	563
duties.....	563
SECURITY GUARDS	
<i>See PRIVATE INVESTIGATORS AND SECURITY GUARDS.</i>	
SEED POTATOES	
Director, re-defined.....	565
SEPARATE SCHOOLS	
BY-LAWS	
publication of borrowing.....	574, 575
COMBINED SEPARATE SCHOOL BOARD	
name of.....	570
urban, trustees of.....	570
ELECTORS	
qualifications of, in urban combined zone.....	570, 571
zone.....	573
FEES	
attendance at closer school, re.....	569
education furnished by other board, re.....	568
kindergarten.....	567
wards.....	568
RATES	
collection and payment of.....	574
SEPARATE SCHOOL ZONE	
boundaries of.....	574
TOWNSHIP SCHOOL AREA	
separate school established in.....	567



SEPARATE SCHOOLS— <i>Continued</i>	PAGE
TRUSTEE	
qualifications of . . . . .	567, 569
voting for, re urban board . . . . .	571
VOTER	
oath to be taken by . . . . .	573
VOTING	
adoption of municipal elections . . . . .	572, 573
by ballot for urban board . . . . .	571, 572
objection to right to, at meeting . . . . .	569
WARDS	
admission of . . . . .	568
SHERIDAN PARK CORPORATION	
acquisition and development of land by . . . . .	577
SHERIFFS	
appointment of staff . . . . .	579
SHUNIAH (MUNICIPALITY)	
public school board, composition . . . . .	791
SIMCOE (JOHN GRAVES) MEMORIAL FOUNDATION	
Act, commencement of . . . . .	584
interpretation of . . . . .	581
advisory board . . . . .	582
annual audit . . . . .	584
Foundation, board of directors of . . . . .	581, 582
by-laws of . . . . .	582
chairman of board of . . . . .	582
established . . . . .	581
objects of . . . . .	583
powers of directors of . . . . .	583
quorum of board of . . . . .	582
grants . . . . .	583
guarantees . . . . .	583, 584
reports . . . . .	583
SISTERS OF ST. JOSEPH, GRANT TO	
<i>See</i> MUNICIPALITY OF METROPOLITAN TORONTO.	
ST. CATHARINES & DISTRICT COMMUNITY CHEST	
<i>See</i> UNITED FUND OF ST. CATHARINES & DISTRICT, INC.	
ST. THOMAS (CITY)	
agreement, set out . . . . .	795, 796
validated . . . . .	793
trust dissolved . . . . .	793
property vested in Hospital . . . . .	793
SUCCESSION DUTY	
consents . . . . .	587, 588
exemptions from duty . . . . .	586, 587
notice of appeal . . . . .	588
property passing on death of deceased, definition of . . . . .	585, 586
refund of duty where overpayment . . . . .	588
registered retirement savings plan, defined . . . . .	586
SUMMARY CONVICTIONS	
re-issuance of summons . . . . .	589
SUPPLY	
expenditures, accounting for . . . . .	592
grant for fiscal year 1964-65 . . . . .	591
1965-66 . . . . .	591
schedules . . . . .	593
SURROGATE COURTS	
appointment of registrar and staff . . . . .	595
territorial jurisdiction of judges . . . . .	595

## T

## TAXES

PAGE

*See* ASSESSMENT.

CORPORATIONS TAX.

INCOME TAX.

LOGGING TAX.

MOTOR VEHICLE FUEL TAX.

RETAIL SALES TAX.

TOBACCO TAX.

## TOBACCO TAX

Act, commencement.....	604
exemption.....	604
interpretation.....	597, 598
importation of tobacco.....	599
information, confidential.....	602
exchange of, between governments.....	602
inquiries.....	602
investigations.....	600
powers on.....	600-602
moneys for purposes of Act.....	603
offences and penalties, disposition of fines re.....	603
for false returns.....	602
general.....	603
limitation re.....	603
permits, hearings re.....	599
for retail vendor.....	598
wholesale dealer.....	598
suspension or cancellation of.....	598, 599
regulations.....	603, 604
retail vendor, permit.....	598
sale by.....	598
tax, absorption of.....	599
collection of.....	598, 599
lien for.....	599
payment of.....	598, 599
rate of.....	598

## TORONTO (CITY)

Centennial project, leasing of building in.....	800
management of.....	799, 800
use of lands in.....	799
City Hall, accommodation in, for commercial use.....	801
refreshments in.....	800
committee of adjustment, substitute members.....	800
Parking Authority, construction by.....	798
disposal of lands by.....	798, 799
parking lot, rates in other municipalities.....	797, 798

## TORONTO HYDRO-EMPLOYEES' UNION DISPUTE

## Act

application of.....	606
commencement and repeal of.....	610
expenses incurred for purposes of.....	610

## ARBITRATIONS ACT

not applicable.....	609
---------------------	-----

## BOARD

appointment of.....	606
chairman of.....	606
decision of.....	607
document giving effect to.....	608
defined.....	605
disqualification of persons as members of.....	607
duties of.....	608
powers of.....	608
procedure of.....	607
replacement of member of.....	607
vacancies on.....	607

TORONTO HYDRO-EMPLOYEES' UNION DISPUTE— <i>Continued</i>	PAGE
COLLECTIVE AGREEMENT	
document prepared by board.....	608
execution of.....	609
failure to execute.....	609
term of.....	609
COMMISSION	
defined.....	605
not to alter terms of employment.....	609
LABOUR RELATIONS ACT	
application of.....	606, 609
declarations under s. 89 of.....	606
expressions in, applicable.....	606
LOCK-OUTS	
application of <i>Labour Relations Act</i> to.....	609
prohibited.....	609
MINISTER	
order of, to expedite proceedings.....	607
NOTICE RE STRIKE SUSPENSION.....	609
PARTY	
defined.....	605
STRIKES	
application of <i>Labour Relations Act</i> to.....	609
prohibited.....	609
UNION	
defined.....	605
TORONTO UNIVERSITY	
<i>See</i> UNIVERSITY OF TORONTO.	
TRAINING SCHOOLS	
Act, commencement.....	621
interpretation.....	611, 612
purpose.....	612
advisory board, chairman of.....	613
duties of.....	613
establishment of.....	613
meetings of.....	613
remuneration of.....	613
secretary of.....	613
costs of Ontario training schools.....	612
escape, abetting.....	620
apprehension on.....	619
establishment of, Ontario training schools.....	612
private training schools.....	612, 613
foster homes, designation of.....	619
transfer to.....	619
grants to societies.....	621
inspection.....	613, 614
municipal liability, appeals re.....	617
recovery of, from other municipality.....	618
parent.....	618
statement of account re.....	617, 618
name of training schools.....	613
offences and penalties.....	620
orders for admission, appeals from.....	616, 617
conditions for.....	614, 615
evidence re.....	614, 615
hearing re.....	614, 615
making of.....	614, 615
notice of.....	615, 616
parental liability.....	618

	PAGE
<b>TRAINING SCHOOLS—Continued</b>	
property of, Ontario training schools.....	612
private training schools.....	613
purposes.....	612
regulations.....	620, 621
religion of child.....	616
transportation to school.....	616
visits by clergy.....	619
wardship, of guardian or parent.....	619
school.....	618
termination of.....	619
<b>TRENCH EXCAVATORS' PROTECTION</b>	
annual report of municipal inspector.....	625, 626
application of Act.....	623, 624
chief officer, defined.....	623
constructor, defined.....	623
duties of.....	626
depth, defined.....	623
explosives, handling of.....	626
injuries, evidence re.....	629
notices re.....	629
inspectors, appointment of provincial.....	624
certificate of appointment of.....	624
orders of.....	624
notices, of injuries.....	628, 629
work.....	625
offences and penalties, contravention of order of inspector.....	624, 625
general.....	629, 630
owner, defined.....	623
power lines.....	627
machines, operation of.....	627
protective hats.....	627
trenches, work in.....	627, 628
<b>TRUSTEE</b>	
authorized investments.....	631
<b>U</b>	
<b>UNITED CHURCH OF CANADA</b>	
Hazelton Avenue premises, conveyance of, free of trusts.....	804
sale of, authorized.....	803
use of proceeds of sale of.....	804
<b>UNITED CO-OPERATIVES OF ONTARIO</b>	
by-laws, alternate delegates.....	812
contract with shareholder.....	813
delegates.....	812
capital.....	806
Company, deemed co-operative.....	813
<i>Corporations Act</i> , application of.....	813
delegates, powers of shareholders in.....	811
votes of.....	812
director, qualifications of.....	811
head office of company.....	805
shares, Class "A" non-voting preference.....	806-808
"B" non-voting preference.....	808-810
investment of patronage return in.....	811
<b>UNITED FUND OF ST. CATHARINES &amp; DISTRICT, INC.</b>	
directors, number increased.....	815
name, change of.....	815
<b>UNIVERSITY EXPROPRIATION POWERS</b>	
Act, application of.....	633
universities to expropriate only under.....	634
expropriation power.....	634
<i>Expropriation Procedures Act, 1962-63</i> , application of.....	634

	PAGE
UNIVERSITY OF GUELPH	
Board of Governors, powers of .....	635
objects .....	635
property, release of reserved .....	636
reservation of .....	636, 637
vesting of .....	635-643
UNIVERSITY OF OTTAWA	
ANNUAL REPORT OF BOARD .....	654
AUDIT .....	654
BOARD	
annual report of .....	654
audit of accounts of .....	654
borrowing powers of .....	649
chairman .....	648
composition of .....	647, 648
defined .....	645
members, re-appointment of .....	648
term of office of .....	648
powers of .....	648-650
vacancies on .....	648
BY-LAWS	
authority of Board to make .....	650
CHANCELLOR	
appointment of .....	650
defined .....	646
duties .....	650
titular head of University .....	650
DEGREES	
conferring of .....	650
granting of .....	647
EMPLOYEES	
appointment and removal of .....	649
EXECUTIVE COMMITTEE	
appointment of .....	649
FACULTIES	
establishment of .....	646
government of .....	652, 653
FUNDS	
investment of .....	653, 654
PROPERTY	
application of .....	653
statute of limitations .....	653
defined .....	646
powers re .....	653
transfer of, between universities .....	655
REAL PROPERTY	
defined .....	646
liability of, to expropriation .....	653
tax exemption re .....	653
RECTOR	
appointment and removal of .....	649, 650
chief executive officer of University .....	650
defined .....	646
presiding officer at meetings of Senate .....	651



UNIVERSITY OF OTTAWA—*Continued*

PAGE

## RELIGIOUS TESTS

not to be required of members of Board .....	647
teachers or students .....	646

## SAINT PAUL UNIVERSITY

existing affiliations .....	654
federated with University of Ottawa .....	654
formerly Université d'Ottawa .....	645
power of, to hold property .....	645

## SECRETARY

duties of .....	651
-----------------	-----

## SENATE

composition of .....	651
defined .....	646
meetings of, presiding officer at .....	651
questions at .....	652
when to be held .....	652
powers of .....	652
Saint Paul University, to act temporarily for Ottawa .....	655

## ST. PATRICK'S COLLEGE

option of federation on becoming part of University .....	654
---	-----

## TEACHING STAFF

appointment and removal of .....	649
defined .....	646
religious tests not required of .....	646

## UNIVERSITY

affiliation powers .....	653
defined .....	646
degrees granted by .....	647
faculties established by .....	646
former names used by .....	645
funds of, investment .....	653, 654
incorporated .....	646
management of .....	647
objects .....	646
property of .....	653
Saint Paul University federated with .....	654
students' credits, marks recognized by .....	655

## VICE-CHANCELLOR

Rector to be .....	650
--------------------	-----

## VICE-RECTORS

appointment of .....	649, 650
----------------------	----------

## UNIVERSITY OF TORONTO

grant provisions repealed .....	657
---------------------------------	-----

## USED CAR DEALERS

contracts, regulations re .....	659
false advertising .....	659

## V

## VITAL STATISTICS

acknowledgement of registration .....	661
burial permit, retention of .....	662
information confidential .....	663
late registration .....	661
legitimation, registration of .....	661, 662
notations .....	662
substituted registration, certificates of .....	663
filing of order for .....	662

## W

WATER	PAGE
<i>See</i> ONTARIO WATER RESOURCES COMMISSION.	
WEED CONTROL	
person in possession of land, duty to destroy noxious weeds . . . . .	665
order for destruction of noxious weeds, to.	665
subdivided areas, destruction of noxious weeds in . . . . .	666
WINDSOR (CITY)	
aerial cable-car tramway, assessment of . . . . .	817
by-law re, confirmed . . . . .	818
set out . . . . .	819, 820
erection of . . . . .	817
WORKMEN'S COMPENSATION	
application of Act . . . . .	670
compensation, application of provisions for . . . . .	669
of employer on payroll . . . . .	668
independent operator . . . . .	670
minimum amount of . . . . .	669
independent operator, defined . . . . .	667
lien for assessment . . . . .	670
right of action against employer . . . . .	668
transitional provisions . . . . .	669, 670
volunteer fire brigades . . . . .	667, 668
workman, defined . . . . .	667

## Y

YORK (TOWNSHIP)	
board of health, composition of . . . . .	821
YORK UNIVERSITY	
ANNUAL REPORT OF UNIVERSITY . . . . .	679
APPOINTMENTS, STATUTES, CONSTITUTIONS AND REGULATIONS	
continued . . . . .	674
AUDIT . . . . .	679
BOARD	
borrowing powers of . . . . .	675
chairman of . . . . .	674
composition of . . . . .	674
continued . . . . .	673
defined . . . . .	673
management of University vested in . . . . .	674
powers of . . . . .	674-676
vacancies on . . . . .	674
BY-LAWS	
authority to make . . . . .	676
CHANCELLOR	
appointment of . . . . .	675, 678
defined . . . . .	673
COMMITTEES	
appointment of . . . . .	675
DEGREES	
conferring of . . . . .	677
granting of . . . . .	674

YORK UNIVERSITY—*Continued*

PAGE

## EXECUTIVE COMMITTEE

appointment of..... 675

## FACULTIES

establishment of..... 674, 676

## FUNDS

investment of..... 679

## PRESIDENT

appointment of..... 675, 677

defined..... 673

powers and duties of..... 677, 678

vice-chancellor, to be..... 677

## PROPERTY

application of..... 679

defined..... 673

powers of University re..... 678

tax exemption..... 678, 679

trust, vested in University..... 678

## REAL PROPERTY

application of statute of limitations to..... 679

defined..... 673

liability of, to expropriation..... 679

## RELIGIOUS TESTS

not to be required..... 678

## SENATE

composition of..... 676

continued..... 673

defined..... 673

powers of..... 676, 677

## TEACHING STAFF

appointment of..... 675

defined..... 673

religious tests not to be required of..... 678

## UNIVERSITY

affiliation powers of..... 679

annual report of..... 679

audit of accounts of..... 679

continued..... 673

defined..... 673

degrees granted by..... 674

employees of..... 675

faculties established by..... 674

funds of, investment..... 679

management of..... 674

objects..... 674

property of..... 678

trust property vested in..... 678

## VICE-CHANCELLOR

President to be..... 677

## VICE-PRESIDENTS

appointment of..... 675, 678

## YORK UNIVERSITY ACT, 1959

repealed..... 679









# TABLE OF PUBLIC STATUTES

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
<b>A</b>		
Absconding Debtors Act.....	1	
Absentees Act.....	2	1960-61, c. 1.
Accidental Fires Act.....	3	
Accumulations Act.....	4	
Administration of Justice Expenses Act..	5	
Agricultural Associations Act.....	6	
Agricultural College Act ( <i>R.S.O. 1937,</i> <i>c. 374; 1946, c. 89, s. 4; 1952, c. 2</i> )... ( <i>See now Federated Colleges of the</i> <i>Department of Agriculture Act.</i> )	...	1961-62, c. 42, s. 20, rep.
Agricultural Committees Act.....	7	
Agricultural Development Act.....	8	
Agricultural Development Finance Act..	9	
Agricultural Rehabilitation and Develop- ment Act (Ontario).....	...	1962-63, c. 1.
Agricultural Representatives Act.....	10	
Agricultural Research Institute of Ontario Act.....	...	1961-62, c. 1; 1965, c. 1.
Agricultural Societies Act.....	11	1961-62, c. 2.
Air Pollution Control Act.....	12	1961-62, c. 3; 1962-63, c. 2.
Alcoholism and Drug Addiction Research Foundation Act ( <i>1949, c. 4; 1951, c. 3;</i> <i>1955, c. 3; 1959, c. 4</i> ).....	...	1960-61, c. 2; 1961-62, c. 4; 1962-63, c. 3; 1964, c. 1; 1965, c. 2, sup.
Alcoholism Research Foundation Act ( <i>1949, c. 4; 1951, c. 3; 1955, c. 3;</i> <i>1959, c. 4</i> ).....	...	1960-61, c. 2.
( <i>See now Alcoholism and Drug Addic- tion Research Foundation Act.</i> )		
Algonquin Provincial Park Extension Act	...	1960-61, c. 3.
Aliens' Real Property Act.....	13	
Anatomy Act.....	14	1964, c. 2; 1965, c. 3.
Andrew Mercer Reformatory Act.....	15	
Apportionment Act.....	16	
Apprenticeship Act.....	17	1962-63, c. 4; 1964, c. 3, s. 20, rep.
( <i>See now Apprenticeship and Trades- men's Qualification Act.</i> )		
Apprenticeship and Tradesmen's Quali- fication Act.....	...	1964, c. 3.
Approved Impartial Referees and Arbi- trators Act.....	...	1961-62, c. 5.
Arbitrations Act.....	18	1965, c. 4.
Archaeological and Historic Sites Pro- tection Act.....	19	1965, c. 5.
Architects Act.....	20	
Archives Act.....	21	
Artificial Insemination Act.....	22	1962-63, c. 5, s. 12, rep.
( <i>See now Artificial Insemination of Cattle Act.</i> )		
Artificial Insemination of Cattle Act....	...	1962-63, c. 5.
Arts Council Act.....	...	1962-63, c. 6.
Assessment Act.....	23	1960-61, c. 4; 1961-62, c. 6; 1962-63, c. 7; 1964, c. 4; 1965, c. 6.
Assignment of Book Debts Act.....	24	
Assignments and Preferences Act.....	25	
Athletics Control Act.....	26	
Audit Act.....	27	

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
<b>B</b>		
Bail Act.....	28	
Bailiffs Act.....	29	1960-61, c. 5, sup.; 1961-62, c. 7; 1964, c. 5; 1965, c. 7.
Barristers Act.....	30	
Beach Protection Act.....	31	
Beds of Navigable Waters Act.....	32	
Bees Act.....	33	1961-62, c. 8; 1965, c. 8.
Bills of Sale and Chattel Mortgages Act.....	34	1960-61, c. 6.
Blind Persons' Allowances Act.....	35	
Blind Workmen's Compensation Act.....	36	
Boilers and Pressure Vessels Act.....	37	1960-61, c. 7; 1962-63, c. 8, sup.
Boundaries Act.....	38	1961-62, c. 9; 1965, c. 9.
Bread Sales Act.....	39	
Bridges Act.....	40	
Brucellosis Act.....	41	1962-63, c. 9; 1965, c. 10, sup.
Building Trades Protection Act.....	42	1961-62, c. 10, rep.
Bulk Sales Act.....	43	
Bullied (Wallace and Norah) Relief Act.....	...	1964, c. 6.
Business Records Protection Act.....	44	
<b>C</b>		
Cancer Act.....	45	1961-62, c. 11; 1965, c. 11.
Cancer Remedies Act.....	46	
Cemeteries Act.....	47	1961-62, c. 12; 1962-63, c. 10.
Centennial Centre of Science and Technology Act.....	...	1965, c. 12.
Certification of Titles Act.....	48	1961-62, c. 13; 1965, c. 13.
Change of Name Act.....	49	
Charitable Gifts Act.....	50	
Charitable Institutions Act.....	51	1962-63, c. 11, sup.
Charities Accounting Act.....	52	
Child Welfare Act.....	53	1961-62, c. 14; 1962-63, c. 12; 1965, c. 14, sup.
Children's Boarding Homes Act.....	54	1962-63, c. 13.
Children's Institutions Act.....	...	1962-63, c. 14; 1965, c. 15.
Children's Maintenance Act.....	55	
Children's Mental Hospitals Act.....	56	1960-61, c. 8; 1962-63, c. 15.
Chiropody Act.....	57	
Collection Agencies Act.....	58	1962-63, c. 16; 1964, c. 7.
College of Art Act ( <i>R.S.O. 1937, c. 377, except s. 21: 1949, c. 12</i> ).....	...	1961-62, c. 15, sup.
Commissioners for taking Affidavits Act.....	59	1964, c. 8.
Community Centres Act.....	60	1962-63, c. 17; 1965, c. 16.
Community Psychiatric Hospitals Act.....	...	1960-61, c. 9.
Commuter Services Act.....	...	1965, c. 17.
Conditional Sales Act.....	61	1962-63, c. 18.
Confederation Centennial Act.....	...	1962-63, c. 19; 1965, c. 18.
Conservation Authorities Act.....	62	1960-61, c. 10; 1961-62, c. 16; 1962-63, c. 20.
Consolidated Cheese Factories Act.....	63	
Constitutional Questions Act.....	64	
Construction Hoists Act.....	...	1960-61, c. 11; 1961-62, c. 17; 1962-63, c. 21.
Construction Safety Act.....	...	1961-62, c. 18; 1962-63, c. 22; 1965, c. 19.
Controverted Elections Act.....	65	
Conveyancing and Law of Property Act.....	66	1964, c. 9.
Co-operative Loans Act.....	67	1961-62, c. 19; 1962-63, c. 23.
Cornea Transplant Act.....	68	1962-63, c. 59, s. 8, rep.
(See now Human Tissue Act.)		
Coroners Act.....	69	1960-61, c. 12; 1961-62, c. 20; 1965, c. 20.
Corporation Securities Registration Act.....	70	
Corporations Act.....	71	1960-61, c. 13; 1961-62, c. 21; 1962-63, c. 24; 1964, c. 10; 1965, c. 21.
Corporations and Income Taxes Suspension Act ( <i>1952 (2nd Sess.), c. 1: 1953, c. 20</i> ).....	...	1960-61, c. 39, s. 45, rep.; 1961-62, c. 60, s. 51, rep.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
Corporations Information Act.....	72	1961-62, c. 22; 1962-63, c. 25.
Corporations Tax Act.....	73	1960-61, c. 14; 1961-62, c. 23; 1962-63, c. 26; 1964, c. 11; 1965, c. 22.
Costs of Distress Act.....	74	
County Court Judges' Criminal Courts Act.....	75	
County Courts Act.....	76	1961-62, c. 24; 1962-63, c. 27; 1964, c. 12; 1965, c. 23.
County Judges Act.....	77	1960-61, c. 15; 1961-62, c. 25; 1962-63, c. 28; 1964, c. 13; 1965, c. 24.
Creditors' Relief Act.....	78	
Credit Unions Act.....	79	1960-61, c. 16; 1964, c. 14.
Crown Administration of Estates Act...	80	
Crown Agency Act.....	81	
Crown Attorneys Act.....	82	1961-62, c. 26; 1962-63, c. 29; 1964, c. 15.
Crown Timber Act.....	83	1961-62, c. 27; 1964, c. 16.
Crown Witnesses Act.....	84	
Custody of Documents Act.....	85	1962-63, c. 30; 1964, c. 17, s. 1, rep.
<b>D</b>		
Damage by Fumes Arbitration Act.....	86	
Day Nurseries Act.....	87	1964, c. 18.
Dead Animal Disposal Act.....	88	1961-62, c. 28; 1965, c. 25.
Debt Collectors Act.....	89	
Dental Technicians Act.....	90	1960-61, c. 17; 1962-63, c. 31.
Dentistry Act.....	91	1961-62, c. 29; 1965, c. 26.
Department of Agriculture Act.....	92	1964, c. 19; 1965, c. 27.
Department of Commerce and Develop- ment Act..... (See now Department of Economics and Development Act.)	...	1960-61, c. 18; 1961-62, c. 30, s. 7, rep.
Department of Economics Act..... (See now Department of Economics and Development Act.)	93	1960-61, c. 19; 1961-62, c. 30, s. 7, rep.
Department of Economics and Develop- ment Act.....	...	1961-62, c. 30.
Department of Economics and Federal and Provincial Relations Act..... (See now Department of Economics and Development Act.)	93	1960-61, c. 19; 1961-62, c. 30, s. 7, rep.
Department of Education Act.....	94	1961-62, c. 31; 1962-63, c. 32; 1964, c. 20; 1965, c. 28.
Department of Energy and Resources Management Act.....	95	1964, c. 21.
Department of Energy Resources Act... (See now Department of Energy and Resources Management Act.)	95	1964, c. 21.
Department of Highways Act.....	96	
Department of Labour Act.....	97	1961-62, c. 32; 1962-63, c. 33.
Department of Municipal Affairs Act...	98	1961-62, c. 33; 1962-63, c. 34; 1964, c. 22; 1965, c. 29.
Department of Planning and Develop- ment Act..... (See now Department of Commerce and Development Act.)	99	1960-61, c. 18, s. 8, rep.
Department of Public Welfare Act.....	100	1965, c. 30.
Department of Reform Institutions Act.	101	
Department of the Provincial Secretary and Citizenship Act.....	...	1960-61, c. 20.
Department of Tourism and Information Act.....	103	1960-61, c. 21; 1964, c. 23.
Department of Transport Act.....	102	
Department of Travel and Publicity Act. (See now Department of Tourism and Information Act.)	103	1960-61, c. 21; 1964, c. 23.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
Department of University Affairs Act....	...	1964, c. 24.
Dependants' Relief Act.....	104	1962-63, c. 35.
Deposits Regulation Act.....	...	1962-63, c. 36.
Deserted Wives' and Children's Main- tenance Act.....	105	
Devolution of Estates Act.....	106	1960-61, c. 22; 1961-62, c. 34; 1965, c. 31.
Disabled Persons' Allowances Act.....	107	
Disorderly Houses Act.....	108	
District Welfare Administration Boards Act.....	...	1962-63, c. 37.
Ditches and Watercourses Act..... (See now Drainage Act.)	109	1962-63, c. 39, s. 89, rep.
Division Courts Act.....	110	1961-62, c. 35; 1962-63, c. 38; 1964, c. 25; 1965, c. 32.
Dog Tax and Cattle, Sheep and Poultry Protection Act..... (See now Dog Tax and Live Stock and Poultry Protection Act.)	111	1965, c. 33.
Dog Tax and Live Stock and Poultry Pro- tection Act.....	111	1965, c. 33.
Dominion Courts Act.....	112	
Dower Act.....	113	1964, c. 26.
Drainage Act.....	...	1962-63, c. 39; 1965, c. 34.
Drugless Practitioners Act.....	114	1961-62, c. 36.
<b>E</b>		
Economic Development Loans Guarantee Act.....	...	1962-63, c. 40.
Edible Oil Products Act.....	115	
Egress from Public Buildings Act.....	116	
Elderly Persons' Housing Aid Act.....	117	
Elderly Persons' Social and Recreational Centres Act.....	...	1961-62, c. 37.
Election Act.....	118	
Elevators and Lifts Act.....	119	1961-62, c. 38; 1965, c. 35.
Embalmers and Funeral Directors Act..	120	1961-62, c. 39.
Emergency Measures Act.....	...	1962-63, c. 41; 1965, c. 36.
Employment Agencies Act.....	121	
Energy Act.....	122	1960-61, c. 23; 1961-62, c. 40; 1964, c. 27, sup.; 1965, c. 37.
Escheats Act.....	123	
Estreats Act.....	124	
Evidence Act.....	125	1960-61, c. 24.
Execution Act.....	126	1960-61, c. 25; 1962-63, c. 42.
Executive Council Act.....	127	1960-61, c. 26; 1964, c. 28.
Expropriation Procedures Act.....	...	1962-63, c. 43; 1965, c. 38.
Extra-Judicial Services Act.....	128	1964, c. 29.
<b>F</b>		
Factors Act.....	129	
Factory, Shop and Office Building Act.. (See now Industrial Safety Act.)	130	1960-61, c. 27; 1961-62, c. 86, s. 57; 1962-63, c. 44; 1964, c. 45, s. 39, rep.
Fair Accommodation Practices Act..... (See now Ontario Human Rights Code.)	131	1960-61, c. 28; 1961-62, c. 93, s. 19, rep.
Fair Employment Practices Act..... (See now Ontario Human Rights Code.)	132	1961-62, c. 93, s. 19, rep.
Farm Loans Act.....	133	
Farm Loans Adjustment Act.....	134	
Farm Products Containers Act.....	135	



Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
Farm Products Grades and Sales Act...	136	1964, c. 30.
Farm Products Marketing Act.....	137	1961-62, c. 41; 1962-63, c. 45; 1964, c. 31; 1965, c. 39.
Fatal Accidents Act.....	138	
Federated Colleges of the Department of Agriculture Act.....	...	1961-62, c. 42; 1964, c. 120, s. 29; 1965, c. 136, s. 6, rep.
Female Employees' Fair Remuneration Act.....	139	1961-62, c. 93, s. 19, rep.
(See now Ontario Human Rights Code.)		
Female Refugees Act.....	140	1964, c. 32, s. 1, rep.
Ferries Act.....	141	
Financial Administration Act.....	142	1961-62, c. 43; 1965, c. 40.
Fines and Forfeitures Act.....	143	
Fire Accidents Act.....	144	
Fire Departments Act.....	145	1962-63, c. 46; 1964, c. 33.
Fire Fighters' Exemption Act.....	146	
Fire Guardians Act.....	147	
Fire Marshals Act.....	148	1960-61, c. 29; 1961-62, c. 44; 1962-63, c. 47; 1965, c. 41.
Fires Extinguishment Act.....	149	
Fish Inspection Act.....	150	1961-62, c. 45.
Flag Act.....	...	1965, c. 42.
Floral Emblem Act.....	151	
Fluoridation Act.....	...	1960-61, c. 30.
Forest Fires Prevention Act.....	152	1960-61, c. 31; 1961-62, c. 46.
Forestry Act.....	153	1961-62, c. 47.
Fraudulent Conveyances Act.....	154	
Fraudulent Debtors Arrest Act.....	155	
Fruit Packing Act.....	156	
Frustrated Contracts Act.....	157	
<b>G</b>		
Game and Fish Act.....	...	1961-62, c. 48; 1962-63, c. 48; 1964, c. 34.
Game and Fisheries Act.....	158	1960-61, c. 32; 1961-62, c. 48, s. 86, rep.
(See now Game and Fish Act.)		
Gaming Act.....	159	
Gananoque Lands Act.....	...	1961-62, c. 49.
Gas and Oil Leases Act.....	160	1962-63, c. 49, sup.; 1965, c. 43.
Gasoline Handling Act.....	161	1962-63, c. 50; 1964, c. 35.
Gasoline Tax Act.....	162	1962-63, c. 51; 1964, c. 36.
General Sessions Act.....	163	1961-62, c. 50; 1962-63, c. 52; 1965, c. 44.
General Welfare Assistance Act.....	164	1962-63, c. 53.
Gold Clauses Act.....	165	
Government Contracts Hours and Wages Act.....	166	
Grain Elevator Storage Act.....	167	
Grand River Conservation Act (1938, c. 15; 1954, c. 33).....	...	1962-63, c. 54.
Guarantee Companies Securities Act...	168	
<b>H</b>		
Habeas Corpus Act.....	169	
Haliburton Act.....	170	
Highway Improvement Act.....	171	1960-61, c. 33; 1961-62, c. 51; 1962-63, c. 55; 1964, c. 37; 1965, c. 45.
Highway Traffic Act.....	172	1960-61, c. 34; 1961-62, c. 52; 1962-63, c. 56; 1964, c. 38; 1965, c. 46.
Homemakers and Nurses Services Act...	173	
Homes for Retarded Children Act.....	...	1962-63, c. 57; 1965, c. 47.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
Homes for Special Care Act.....	...	1964, c. 39.
Homes for the Aged Act.....	174	1960-61, c. 35; 1961-62, c. 53.
Horticultural Societies Act.....	175	1961-62, c. 54.
Hospital Labour Disputes Arbitration Act.....	...	1965, c. 48.
Hospital Services Commission Act.....	176	1961-62, c. 55; 1962-63, c. 58; 1965, c. 49.
Hospitals and Charitable Institutions Inquiries Act.....	177	
Hospitals Tax Act.....	178	1961-62, c. 56; 1964, c. 40.
Hotel Dieu Hospital, Windsor, Act.....	...	1961-62, c. 57.
Hotel Fire Safety Act.....	179	1960-61, c. 36; 1964, c. 41.
Hotel Registration of Guests Act.....	180	
Hours of Work and Vacations with Pay Act.....	181	1961-62, c. 58; 1964, c. 42.
Housing Development Act.....	182	1960-61, c. 37; 1961-62, c. 59.
Human Tissue Act.....	...	1962-63, c. 59.
Hunter Damage Compensation Act.....	...	1962-63, c. 60.
Hypnosis Act.....	...	1960-61, c. 38.
<b>I</b>		
Income Tax Act ( <i>R.S.O. 1950, c. 175</i> )....	...	1960-61, c. 39, sup.; 1961-62, c. 60, sup.; 1961-62, c. 61; 1962-63, c. 61; 1964, c. 43; 1965, c. 50.
Income Tax Agency Agreement Act....	...	1960-61, c. 40; 1961-62, c. 60, s. 51, rep.
Income Tax Agreement Act.....	...	1962-63, c. 62.
Income Tax Suspension Act ( <i>1947, c. 48;</i> <i>1948, c. 45; 1949, c. 43; 1951, c. 38;</i> <i>1952, c. 40</i> ).....	...	1960-61, c. 39, s. 45, rep.; 1961-62, c. 60, s. 51, rep.
Indian Welfare Services Act.....	183	1962-63, c. 63.
Industrial and Mining Lands Compensa- tion Act.....	184	
Industrial Farms Act.....	185	1964, c. 44.
Industrial Safety Act.....	...	1964, c. 45.
Industrial Standards Act.....	186	1964, c. 46.
Infants Act.....	187	1961-62, c. 62.
Injured Animals Act.....	188	
Innkeepers Act.....	189	
Insurance Act.....	190	1961-62, c. 63; 1962-63, c. 64; 1964, c. 47.
Interpretation Act.....	191	
Interprovincial Drainage Act.....	192	1962-63, c. 39, s. 89, rep.
( <i>See now Drainage Act.</i> )		
Investigation of Titles Act.....	193	1962-63, c. 65; 1964, c. 48, s. 1, rep.
Investment Contracts Act.....	194	
<b>J</b>		
Jails Act.....	195	1961-62, c. 64.
John Graves Simcoe Memorial Founda- tion Act.....	...	1965, c. 125.
Judges' Orders Enforcement Act.....	196	
Judicature Act.....	197	1960-61, c. 41; 1961-62, c. 65; 1965, c. 51.
Junior Farmer Establishment Act.....	198	1962-63, c. 66; 1964, c. 49; 1965, c. 52.
Jurors Act.....	199	1961-62, c. 66; 1962-63, c. 67; 1964, c. 50.
Justices of the Peace Act.....	200	1965, c. 53.
Juvenile and Family Courts Act.....	201	1960-61, c. 42; 1961-62, c. 67; 1964, c. 51.
<b>K</b>		
Killarney Recreational Reserve Act....	...	1962-63, c. 68; 1964, c. 52.
( <i>See now North Georgian Bay Recrea- tional Reserve Act.</i> )		
Kinsmen Club of Kenora Act.....	...	1962-63, c. 69.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
<b>L</b>		
Labour Relations Act.....	202	1961-62, c. 68; 1962-63, c. 70; 1964, c. 53.
Lakehead College of Arts, Science and Technology Act (1956, c. 36).....	...	1961-62, c. 69; 1965, c. 54, s. 29, rep.
(See now Lakehead University Act.)		
Lakehead University Act.....	...	1965, c. 54.
Lakes and Rivers Improvement Act....	203	1960-61, c. 43; 1962-63, c. 71.
Land Titles Act.....	204	1961-62, c. 70; 1962-63, c. 72; 1965, c. 55.
Land Transfer Tax Act.....	205	
Landlord and Tenant Act.....	206	
Law Society Act.....	207	1960-61, c. 44; 1964, c. 54.
Leamington (Town of) Assessment Act..	...	1962-63, c. 73.
Legislative Assembly Act.....	208	1960-61, c. 45; 1964, c. 55; 1965, c. 56.
Legislative Assembly Retirement Allow- ances Act.....	209	
Legitimacy Act.....	...	1961-62, c. 71.
Legitimation Act.....	210	1961-62, c. 71, s. 7, rep.
(See now Legitimacy Act.)		
Libel and Slander Act.....	211	
Lieutenant Governor Act.....	212	
Lightning Rods Act.....	213	1960-61, c. 46.
Limitations Act.....	214	
Limited Partnerships Act.....	215	1965, c. 57.
Line Fences Act.....	216	1962-63, c. 74.
Liquor Control Act.....	217	1960-61, c. 47; 1961-62, c. 72; 1965, c. 58.
Liquor Licence Act.....	218	1961-62, c. 73; 1965, c. 59.
Live Stock and Live Stock Products Act.	219	
Live Stock Branding Act.....	220	
Live Stock Community Sales Act.....	221	1965, c. 60.
Loan and Trust Corporations Act.....	222	1960-61, c. 48; 1961-62, c. 74; 1965, c. 61.
Local Improvement Act.....	223	1960-61, c. 49; 1961-62, c. 75; 1962-63, c. 75; 1965, c. 62.
Local Roads Boards Act.....	...	1964, c. 56; 1965, c. 63.
Loggers' Safety Act.....	...	1962-63, c. 76; 1965, c. 64.
Logging Tax Act.....	224	1962-63, c. 77; 1965, c. 65.
Lord's Day (Ontario) Act.....	225	1960-61, c. 50, sup.; 1965, c. 66.
<b>M</b>		
Magistrates Act.....	226	1960-61, c. 51; 1961-62, c. 76; 1964, c. 57.
Marine Insurance Act.....	227	
Marriage Act.....	228	1960-61, c. 52; 1964, c. 58; 1965, c. 67.
Married Women's Property Act.....	229	
Master and Fellows of Massey College Act.....	...	1960-61, c. 53.
Master and Servant Act.....	230	1961-62, c. 77.
Maternity Boarding Houses Act.....	231	1964, c. 59.
Matrimonial Causes Act.....	232	1960-61, c. 54.
Meat Inspection Act (Ontario).....	...	1962-63, c. 78; 1965, c. 68.
Mechanics' Lien Act.....	233	1961-62, c. 78; 1962-63, c. 79.
Medical Act.....	234	1962-63, c. 80; 1965, c. 69.
Medical Services Insurance Act.....	...	1965, c. 70.
Mental Health Act.....	235	
Mental Hospitals Act.....	236	1960-61, c. 55; 1961-62, c. 79; 1962-63, c. 81; 1965, c. 71.
Mental Incompetency Act.....	237	1964, c. 60.
Mercantile Law Amendment Act.....	238	
Milk Act.....	...	1965, c. 72.
Milk Industry Act.....	239	1960-61, c. 56; 1961-62, c. 80; 1962-63, c. 82; 1964, c. 61; 1965, c. 72, s. 29, rep.
(See now Milk Act.)		
Minimum Wage Act.....	240	1962-63, c. 83.
Mining Act.....	241	1961-62, c. 81; 1962-63, c. 84; 1964, c. 62; 1965, c. 73.
Mining Tax Act.....	242	

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
Minors' Protection Act.....	243	
Mortgage Brokers Registration Act.....	244	1960-61, c. 57; 1961-62, c. 82; 1962-63, c. 85; 1964, c. 63.
Mortgages Act.....	245	1960-61, c. 58; 1961-62, c. 83; 1964, c. 64; 1965, c. 74.
Mortmain and Charitable Uses Act.....	246	
Mothers' Allowances Act.....	247	1962-63, c. 86; 1964, c. 65.
Mothers' and Dependent Children's Allowances Act.....	247	1962-63, c. 86.
(See now Mothers' Allowances Act.)		
Motor Vehicle Accident Claims Act.....	...	1961-62, c. 84; 1964, c. 66; 1965, c. 75.
Motor Vehicle Fuel Tax Act.....	248	1961-62, c. 85; 1964, c. 67; 1965, c. 76, sup.
Municipal Act.....	249	1960-61, c. 59; 1961-62, c. 86; 1962-63, c. 87; 1964, c. 68; 1965, c. 77.
Municipal Arbitrations Act.....	250	1965, c. 78.
Municipal Corporations Quieting Orders Act.....	251	
Municipal Drainage Act.....	252	1962-63, c. 39, s. 89, rep.
(See now Drainage Act.)		
Municipal Drainage Aid Act.....	253	1962-63, c. 39, s. 89, rep.
(See now Drainage Act.)		
Municipal Franchise Extension Act.....	254	1965, c. 79.
Municipal Franchises Act.....	255	1965, c. 80.
Municipal Health Services Act.....	256	
Municipal Subsidies Adjustment Act....	257	
Municipal Tax Assistance Act.....	258	
Municipal Unconditional Grants Act....	259	1960-61, c. 60; 1961-62, c. 87; 1962-63, c. 88; 1964, c. 69.
Municipal Works Assistance Act.....	...	1963, c. 1; 1964, c. 70.
Municipality of Metropolitan Toronto Act.....	260	1960-61, c. 61; 1961-62, c. 88; 1962-63, c. 89; 1964, c. 71; 1965, c. 81.
<b>N</b>		
National Radio Observatory Act.....	...	1962-63, c. 90.
Negligence Act.....	261	
Niagara Parks Act.....	262	
North Georgian Bay Recreational Reserve Act.....	...	1962-63, c. 68; 1964, c. 52.
Notaries Act.....	263	1961-62, c. 89; 1962-63, c. 91, sup.; 1964, c. 72.
Nurses Act.....	...	1961-62, c. 90; 1962-63, c. 92; 1964, c. 73; 1965, c. 82.
Nurses Registration Act.....	264	1961-62, c. 90, s. 14 (1), rep.
(See now Nurses Act.)		
Nursing Act.....	265	1960-61, c. 62; 1961-62, c. 90, s. 14 (1), rep.
(See now Nurses Act.)		
<b>O</b>		
Official Notices Publication Act.....	266	
Old Age Assistance Act.....	267	
Oleomargarine Act.....	268	1962-63, c. 93.
One Day's Rest in Seven Act.....	269	
Ontario Anti-Discrimination Commission Act.....	270	1960-61, c. 63; 1961-62, c. 93, s. 19, rep.
(See now Ontario Human Rights Code.)		
Ontario Energy Board Act.....	271	1960-61, c. 64; 1961-62, c. 91; 1964, c. 74, sup.; 1965, c. 83.
Ontario Food Terminal Act.....	272	1964, c. 75.
Ontario Harbours Agreement Act.....	...	1962-63, c. 95.
Ontario Highway Transport Board Act..	273	1960-61, c. 65; 1961-62, c. 92.



Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
Ontario Housing Corporation Act.....	...	1964, c. 76; 1965, c. 84.
Ontario Human Rights Code.....	...	1961-62, c. 93; 1965, c. 85.
Ontario Human Rights Commission Act. ( <i>See now</i> Ontario Human Rights Code.)	270	1960-61, c. 63; 1961-62, c. 93, s. 19, rep.
Ontario Hurricane Relief Fund Act (1955, c. 55).....	...	1964, c. 77.
Ontario Hydro-Employees' Union Dis- pute Act.....	...	1961-62, c. 94.
Ontario Institute for Studies in Education Act.....	...	1965, c. 86.
Ontario Law Reform Commission Act....	...	1964, c. 78.
Ontario Loan Act.....	...	1965, c. 87.
Ontario Mental Health Foundation Act....	...	1960-61, c. 67; 1964, c. 80; 1965, c. 88.
Ontario Municipal Board Act.....	274	1960-61, c. 68; 1961-62, c. 96; 1962-63, c. 97; 1964, c. 81; 1965, c. 89.
Ontario Municipal Employees Retirement System Act.....	...	1961-62, c. 97; 1964, c. 82; 1965, c. 90.
Ontario Municipal Improvement Cor- poration Act.....	275	
Ontario Northland Transportation Com- mission Act.....	276	1960-61, c. 69; 1964, c. 83.
Ontario Parks Integration Board Act....	277	1961-62, c. 98.
Ontario Producers, Processors, Distribu- tors and Consumers Food Council Act	...	1962-63, c. 94.
Ontario School Trustees' Council Act....	278	
Ontario-St. Lawrence Development Com- mission Act..... ( <i>See now</i> St. Lawrence Parks Commis- sion Act.)	279	1960-61, c. 70; 1962-63, c. 98; 1964, c. 84.
Ontario Telephone Development Cor- poration Act.....	280	
Ontario Universities Capital Aid Cor- poration Act.....	...	1964, c. 85.
Ontario Water Resources Commission Act.....	281	1960-61, c. 71; 1961-62, c. 99; 1962-63, c. 99; 1964, c. 86; 1965, c. 91.
Operating Engineers Act.....	282	1965, c. 92, sup.
Ophthalmic Dispensers Act.....	...	1960-61, c. 72; 1961-62, c. 100; 1962-63, c. 100; 1965, c. 93.
Optometry Act.....	283	1960-61, c. 73; 1961-62, c. 101, sup.
Ottawa River Water Powers Act.....	...	1965, c. 94.
<b>P</b>		
Parents' Maintenance Act.....	284	
Parks Assistance Act.....	285	1961-62, c. 102; 1962-63, c. 101.
Parole Act.....	286	
Partition Act.....	287	
Partnerships Act.....	288	
Partnerships Registration Act.....	289	1962-63, c. 102; 1965, c. 95.
Pawnbrokers Act.....	290	
Penal and Reform Institutions Inspection Act.....	291	1964, c. 87.
Pension Benefits Act.....	...	1962-63, c. 103; 1964, c. 88; 1965, c. 96.
Personation Act.....	292	
Pesticides Act.....	293	1962-63, c. 104.
Petty Trespass Act.....	294	1960-61, c. 74.
Pharmacy Act.....	295	1961-62, c. 103; 1964, c. 89; 1965, c. 97.
Pittsburgh Township Boundary Act....	...	1960-61, c. 75.
Planning Act.....	296	1960-61, c. 76; 1961-62, c. 104; 1962-63, c. 105; 1964, c. 90; 1965, c. 98.
Plant Diseases Act.....	297	1964, c. 91.
Police Act.....	298	1960-61, c. 77; 1961-62, c. 105; 1962-63, c. 106; 1964, c. 92; 1965, c. 99.



Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
Pounds Act.....	299	
Power Commission Act.....	300	1960-61, c. 78; 1961-62, c. 106; 1965, c. 100.
Power Commission Insurance Act.....	301	
Power Commission's Systems Consolidation Act.....	...	1961-62, c. 107.
Power Control Act.....	302	
Powers of Attorney Act.....	303	
Prearranged Funeral Services Act.....	...	1961-62, c. 108.
Prepaid Hospital and Medical Services Act.....	304	
Private Hospitals Act.....	305	1962-63, c. 107; 1965, c. 101.
Private Investigators Act.....	306	1961-62, c. 109; 1965, c. 102, s. 36, rep.
(See now Private Investigators and Security Guards Act.)		
Private Investigators and Security Guards Act.....	...	1965, c. 102.
Private Sanitaria Act.....	307	1961-62, c. 110; 1962-63, c. 108.
Probation Act.....	308	1965, c. 103.
Proceedings Against the Crown Act (1952, c. 78).....	...	1962-63, c. 109, sup.; 1965, c. 104.
Professional Engineers Act.....	309	
Property and Civil Rights Act.....	310	
Provincial Aid to Drainage Act.....	311	1962-63, c. 39, s. 89, rep.
(See now Drainage Act.)		
Provincial Auctioneers Act.....	312	
Provincial Land Tax Act.....	313	1961-62, c. 111, sup.
Provincial Parks Act.....	314	1960-61, c. 79; 1961-62, c. 112; 1962-63, c. 110.
Psychiatric Hospitals Act.....	315	1962-63, c. 111.
Psychologists Registration Act.....	316	1962-63, c. 112; 1965, c. 105.
Public Accountancy Act.....	317	1961-62, c. 113.
Public Authorities Protection Act.....	318	
Public Commercial Vehicles Act.....	319	1961-62, c. 114.
Public Halls Act.....	320	
Public Health Act.....	321	1960-61, c. 80; 1961-62, c. 115; 1962-63, c. 113; 1964, c. 93; 1965, c. 106.
Public Hospitals Act.....	322	1961-62, c. 116; 1964, c. 94; 1965, c. 107.
Public Inquiries Act.....	323	
Public Lands Act.....	324	1960-61, c. 81; 1961-62, c. 117; 1962-63, c. 114; 1965, c. 108.
Public Libraries Act.....	325	1961-62, c. 118; 1962-63, c. 115.
Public Officers Act.....	326	
Public Officers' Fees Act.....	327	1962-63, c. 116.
Public and Other Works Wages Act....	328	1962-63, c. 121, s. 7, rep.
(See now Public Works Creditors Payment Act.)		
Public Parks Act.....	329	1961-62, c. 119.
Public Schools Act.....	330	1960-61, c. 82; 1961-62, c. 120; 1962-63, c. 117; 1964, c. 95; 1965, c. 109.
Public Service Act.....	331	1960-61, c. 83; 1961-62, c. 121, sup.; 1962-63, c. 118; 1965, c. 110.
Public Service Superannuation Act.....	332	1960-61, c. 84; 1961-62, c. 122; 1962-63, c. 119; 1964, c. 96; 1965, c. 111.
Public Service Works on Highways Act..	333	1965, c. 112.
Public Trustee Act.....	334	
Public Utilities Act.....	335	1960-61, c. 85; 1962-63, c. 120; 1965, c. 113.
Public Utilities Corporations Act.....	336	
Public Vehicles Act.....	337	
Public Works Act.....	338	
Public Works Creditors Payment Act...	...	1962-63, c. 121.
Public Works Protection Act.....	339	
Q		
Quieting Titles Act.....	340	

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
<b>R</b>		
Race Tracks Tax Act.....	341	1964, c. 97.
Racing Commission Act.....	342	1965, c. 114.
Radiological Technicians Act.....	...	1962-63, c. 122; 1964, c. 98.
Railway Fire Charge Act.....	343	1960-61, c. 86.
Real Estate and Business Brokers Act...	344	1962-63, c. 123; 1964, c. 99.
Reciprocal Enforcement of Judgments Act.....	345	
Reciprocal Enforcement of Maintenance Orders Act.....	346	1961-62, c. 123; 1964, c. 100.
Reformatories Act.....	347	1964, c. 101.
Regional Detention Centres Act.....	...	1965, c. 115.
Registry Act.....	348	1961-62, c. 124; 1962-63, c. 124; 1964, c. 102; 1965, c. 116.
Regulations Act.....	349	1960-61, c. 87; 1961-62, c. 125.
Regulations Revision Act (1959, c. 90)...	...	1960-61, c. 88.
Rehabilitation Services Act.....	350	
Religious Institutions Act.....	351	
Replevin Act.....	352	
Representation Act.....	353	1962-63, c. 125.
Research Foundation Act (1944, c. 53; 1955, c. 73).....	...	1960-61, c. 89; 1962-63, c. 126.
Residential and Farm School Tax Assis- tance Grants Act.....	...	1960-61, c. 90; 1964, c. 103, s. 1, rep.
Retail Sales Tax Act.....	...	1960-61, c. 91; 1961-62, c. 126; 1962-63, c. 127; 1964, c. 104; 1965, c. 117.
Revised Regulations Confirmation Act..	...	1961-62, c. 127.
Revised Statutes Confirmation Act.....	...	1961-62, c. 128.
Rights of Labour Act.....	354	
Rural Housing Assistance Act.....	355	
Rural Hydro-Electric Distribution Act..	356	
Rural Power District Loans Act.....	357	
Ryerson Polytechnical Institute Act.....	...	1962-63, c. 128.
<b>S</b>		
Sale of Goods Act.....	358	
Sanatoria for Consumptives Act.....	359	1961-62, c. 129.
School Trust Conveyances Act.....	360	
Schools Administration Act.....	361	1960-61, c. 92; 1961-62, c. 130; 1962-63, c. 129; 1964, c. 105; 1965, c. 118.
Secondary Schools and Boards of Educa- tion Act.....	362	1960-61, c. 93; 1961-62, c. 131; 1962-63, c. 130; 1964, c. 106; 1965, c. 119.
Securities Act.....	363	1962-63, c. 131; 1964, c. 107; 1965, c. 120.
Security Transfer Tax Act.....	364	
Seduction Act.....	365	
Seed Grain Subsidy Act.....	366	
Seed Potatoes Act.....	367	1965, c. 121.
Separate Schools Act.....	368	1960-61, c. 94; 1961-62, c. 132; 1962-63, c. 132; 1964, c. 108; 1965, c. 122.
Settled Estates Act.....	369	
Settlers' Pulpwood Protection Act.....	370	
Sheridan Park Corporation Act.....	...	1964, c. 109; 1965, c. 123.
Sheriffs Act.....	371	1965, c. 124.
Short Forms of Conveyances Act.....	372	
Short Forms of Leases Act.....	373	
Short Forms of Mortgages Act.....	374	1964, c. 110.
Silicosis Act.....	375	
Simcoe (John Graves) Memorial Founda- tion Act.....	...	1965, c. 125.
Slot Machines Act (R.S.O. 1950, c. 365)...	...	1964, c. 111, s. 1, rep.
Snow Roads and Fences Act.....	376	
Soldiers' Aid Commission Act.....	377	

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
Solicitors Act.....	378	
Spruce Pulpwood Exportation Act.....	379	
Stallions Act.....	380	
Statistics Act.....	...	1962-63, c. 133.
Statute of Frauds.....	381	
Statute Labour Act.....	382	1962-63, c. 134.
Statute Law Amendment Act (1947, c. 101, s. 20).....	...	1961-62, c. 42, s. 20, rep.
Statutes Act.....	383	
Steam Threshing Engines Act.....	384	
St. Lawrence Parks Commission Act....	279	1960-61, c. 70; 1962-63, c. 98; 1964, c. 84.
Stock Yards Act.....	385	
Succession Duty Act.....	386	1960-61, c. 95; 1961-62, c. 133; 1962-63, c. 135; 1964, c. 112; 1965, c. 126.
Summary Convictions Act.....	387	1961-62, c. 134; 1964, c. 113; 1965, c. 127.
Supply Act.....	...	1965, c. 128.
Surrogate Courts Act.....	388	1961-62, c. 136; 1962-63, c. 137; 1965, c. 129.
Surveyors Act.....	389	
Surveys Act.....	390	1960-61, c. 97.
Survivorship Act.....	391	
<b>T</b>		
Teachers' Superannuation Act.....	392	1960-61, c. 98; 1961-62, c. 137; 1962-63, c. 138; 1964, c. 115.
Teaching Profession Act.....	393	
Telephone Act.....	394	1962-63, c. 139.
Territorial Division Act.....	395	1964, c. 116.
Theatres Act.....	396	1960-61, c. 99.
Threshing Machines Act.....	397	
Ticket Speculation Act.....	398	
Tile Drainage Act.....	399	1961-62, c. 138.
Time Act.....	400	
Tobacco Tax Act.....	...	1965, c. 130.
Toll Bridges Act.....	401	
Toronto Hydro-Employees' Union Dis- pute Act.....	...	1965, c. 131.
Tourist Establishments Act.....	402	1964, c. 117.
Town of Leamington Assessment Act....	...	1962-63, c. 73.
Trade Schools Regulation Act.....	403	
Training Schools Act.....	404	1961-62, c. 139; 1965, c. 132, sup.
Transportation of Fowl Act.....	405	
Trees Act.....	406	1964, c. 118.
Trench Excavators' Protection Act.....	407	1965, c. 133.
Trustee Act.....	408	1960-61, c. 100; 1961-62, c. 140; 1964, c. 119; 1965, c. 134.
<b>U</b>		
Unclaimed Articles Act.....	409	
Unconscionable Transactions Relief Act.	410	
University Expropriation Powers Act...	...	1965, c. 135.
University of Guelph Act.....	...	1964, c. 120; 1965, c. 136.
University of Ottawa Act.....	...	1965, c. 137.
University of Toronto Act (1947, c. 112; 1953, c. 107; 1955, c. 90; 1958, c. 119; 1959, c. 103).....	...	1964, c. 120, s. 30; 1965, c. 138.
University of Toronto Lands Act.....	...	1962-63, c. 140.
Used Car Dealers Act.....	...	1964, c. 121; 1965, c. 139.

Title of Act	R.S.O. 1960 Chap.	Amendments in 1960-61, 1961-62, 1962-63, 1963, 1964 and 1965
<b>V</b>		
Vacant Land Cultivation Act.....	411	
Vaccination Act.....	412	1964, c. 122, s. 1, rep.
Variation of Trusts Act.....	413	1961-62, c. 141.
Vendors and Purchasers Act.....	414	1960-61, c. 101.
Venereal Diseases Prevention Act.....	415	
Veterinarians Act.....	416	
Veterinary College Act ( <i>R.S.O. 1937,</i> <i>c. 375; 1947, c. 101, s. 20</i> ).....	...	1961-62, c. 42, s. 20, rep.
( <i>See now Federated Colleges of the</i> <i>Department of Agriculture Act.</i> )		
Vexatious Proceedings Act.....	417	
Vicious Dogs Act.....	418	
Vital Statistics Act.....	419	1960-61, c. 102; 1961-62, c. 142; 1962-63, c. 141; 1964, c. 123; 1965, c. 140.
Voters' Lists Act.....	420	1962-63, c. 142.
<b>W</b>		
Wages Act.....	421	1960-61, c. 103; 1962-63, c. 143.
Wallace Bullied and Norah Bullied Relief Act.....	...	1964, c. 6.
Warble Fly Control Act.....	422	
Warehousemen's Lien Act.....	423	
Warehouse Receipts Act.....	424	
War Veterans Burial Act.....	425	
Water Powers Regulation Act.....	426	
Weed Control Act.....	427	1965, c. 141.
Welfare Units Act.....	428	
Wharfs and Harbours Act.....	429	
White Cane Act.....	430	
Wild Rice Harvesting Act.....	431	
Wilderness Areas Act.....	432	
Wills Act.....	433	1962-63, c. 144.
Wolf and Bear Bounty Act.....	434	
Woodmen's Employment Act.....	435	
Woodmen's Lien for Wages Act.....	436	
Workmen's Compensation Act.....	437	1962-63, c. 145; 1964, c. 124; 1965, c. 142.
Workmen's Compensation Insurance Act	438	
<b>Y</b>		
York University Act.....	...	1965, c. 143.



# TABLE OF PROCLAMATIONS

Setting out the Public Acts and parts of Public Acts in the Revised Statutes of Ontario, 1960 and subsequent annual volumes that have been and that are to be brought into force by Proclamation and that have not been repealed or superseded

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## A

### ACTS AND PARTS OF ACTS PROCLAIMED AND THE DATES UPON WHICH THEY CAME INTO FORCE

- AGRICULTURAL RESEARCH INSTITUTE OF ONTARIO ACT: 1961-62, c. 1 (14th June, 1962).  
AGRICULTURAL SOCIETIES AMENDMENT ACT: 1961-62, c. 2 (30th May, 1962).  
ALCOHOLISM AND DRUG ADDICTION RESEARCH FOUNDATION ACT: 1965, c. 2 (31st July, 1965).  
APPRENTICESHIP AND TRADESMEN'S QUALIFICATION ACT: 1964, c. 3 (5th October, 1964).
- BUILDING TRADES PROTECTION REPEAL ACT: 1961-62, c. 10 (1st August, 1962).
- CEMETERIES AMENDMENT ACT: 1961-62, c. 12, ss. 2 and 3 (30th June, 1962).  
CHARITABLE INSTITUTIONS ACT: 1962-63, c. 11 (1st April, 1964).  
CHILDREN'S INSTITUTIONS ACT: 1962-63, c. 14 (1st September, 1963).  
CONDITIONAL SALES AMENDMENT ACT: 1962-63, c. 18 (1st April, 1964).  
CONSTRUCTION HOISTS ACT: 1960-61, c. 11 (19th November, 1962).  
CONSTRUCTION HOISTS AMENDMENT ACT: 1961-62, c. 17 (19th November, 1962).  
CONSTRUCTION SAFETY ACT: 1961-62, c. 18 (1st August, 1962).  
CORPORATIONS AMENDMENT ACT: 1960-61, c. 13, s. 2 (13th May, 1961).  
COUNTY COURTS AMENDMENT ACT: 1961-62, c. 24, except ss. 5 and 8 (14th September, 1962); ss. 5 and 8 (1st July, 1962).  
COUNTY JUDGES AMENDMENT ACT: 1961-62, c. 25, ss. 1, 3, 4, 5 (1), 6, 7, 8 (1) and 9 (14th September, 1962).  
CUSTODY OF DOCUMENTS REPEAL ACT: 1964, c. 17 (1st July, 1964).
- DENTAL TECHNICIANS AMENDMENT ACT: 1960-61, c. 17 (1st July, 1961).  
DEPOSITS REGULATION ACT: 1962-63, c. 36 (1st July, 1963).  
DISTRICT WELFARE ADMINISTRATION BOARDS ACT: 1962-63, c. 37 (1st May, 1964).  
DIVISION COURTS AMENDMENT ACT: 1961-62, c. 35, ss. 1, 2, 3, 4, 8 and 9 (1st June, 1962).  
DRAINAGE ACT: 1962-63, c. 39 (1st June, 1963).
- ENERGY ACT: 1964, c. 27 (1st January, 1965).  
EXECUTION AMENDMENT ACT: 1962-63, c. 42 (1st April, 1964).  
EXPROPRIATION PROCEDURES ACT: 1962-63, c. 43 (1st January, 1964).  
EXPROPRIATION PROCEDURES AMENDMENT ACT: 1965, c. 38 (except s. 1) (1st July, 1965).
- FLAG ACT: 1965, c. 42 (21st May, 1965).
- GAME AND FISH ACT: 1961-62, c. 48 (1st June, 1963).  
GAME AND FISH AMENDMENT ACT: 1962-63, c. 48 (1st June, 1963).  
GENERAL SESSIONS AMENDMENT ACT: 1961-62, c. 50 (14th September, 1962).  
GENERAL WELFARE ASSISTANCE AMENDMENT ACT: 1962-63, c. 53 (1st January, 1963).
- HOMES FOR RETARDED CHILDREN ACT: 1962-63, c. 57 (1st September, 1963).  
HORTICULTURAL SOCIETIES AMENDMENT ACT: 1961-62, c. 54 (30th May, 1962).  
HYPNOSIS ACT: 1960-61, c. 38 (15th November, 1961).



- INDUSTRIAL SAFETY ACT: 1964, c. 45 (31st July, 1964).
- INDUSTRIAL STANDARDS AMENDMENT ACT: 1964, c. 46 (31st July, 1964).
- INSURANCE AMENDMENT ACT: 1961-62, c. 63, ss. 1, 2, 3, 4 and 7 (1st July, 1962); 1962-63, c. 64, s. 1 (1st October, 1963).
- INVESTIGATION OF TITLES AMENDMENT ACT: 1962-63, c. 65 (1st April, 1964).
- JUDICATURE AMENDMENT ACT: 1961-62, c. 65, s. 3 (14th September, 1962).
- JURORS AMENDMENT ACT: 1955, c. 37, ss. 8 (1), 11, 14 and 15—*but see* R.S.O. 1960, c. 199, s. 106 (1st January, 1961).
- LABOUR RELATIONS AMENDMENT ACT: 1961-62, c. 68, ss. 1 (1), 2, 8, 10 and 16 (2nd August, 1962); 1964, c. 53 (except ss. 11, 16 and 17) (1st October, 1964).
- LAKEHEAD UNIVERSITY ACT: 1965, c. 54 (1st July, 1965).
- LAND TITLES AMENDMENT ACT: 1965, c. 55 (1st October, 1965).
- LIQUOR CONTROL AMENDMENT ACT: 1960-61, c. 47 (19th January, 1961).
- LOAN AND TRUST CORPORATIONS AMENDMENT ACT: 1960-61, c. 48, ss. 3 and 4 (15th August, 1961).
- LOGGERS' SAFETY ACT: 1962-63, c. 76 (20th November, 1964).
- MEAT INSPECTION ACT (ONTARIO): 1962-63, c. 78, ss. 1 and 4 to 12 (21st January, 1965); s. 3 (1st April, 1965).
- MECHANICS' LIEN AMENDMENT ACT: 1962-63, c. 79 (1st April, 1964).
- MENTAL INCOMPETENCY AMENDMENT ACT: 1964, c. 60 (13th July, 1964).
- MILK INDUSTRY AMENDMENT ACT: 1960-61, c. 56 (30th January, 1962).
- MOTHERS' AND DEPENDENT CHILDREN'S ALLOWANCES AMENDMENT ACT: 1962-63, c. 86 (1st January, 1963).
- NURSES ACT: 1961-62, c. 90 (1st January, 1963).
- OLEOMARGARINE AMENDMENT ACT: 1962-63, c. 93, ss. 2 and 3 (21st November, 1963).
- ONTARIO ENERGY BOARD ACT: 1964, c. 74 (1st January, 1965).
- ONTARIO HOUSING CORPORATION ACT: 1964, c. 76 (11th August, 1964).
- ONTARIO HUMAN RIGHTS CODE: 1961-62, c. 93 (15th June, 1962).
- OPHTHALMIC DISPENSERS ACT: 1960-61, c. 72 (8th December, 1961).
- OPTOMETRY ACT: 1961-62, c. 101 (19th January, 1963).
- PARTNERSHIPS REGISTRATION AMENDMENT ACT: 1962-63, c. 102 (1st April, 1964).
- PENSION BENEFITS ACT: 1965, c. 96 (30th July, 1965).
- PLANNING AMENDMENT ACT: 1964, c. 90, ss. 1 and 6 (3rd May, 1965).
- PUBLIC ACCOUNTANCY AMENDMENT ACT: 1961-62, c. 113 (15th June, 1962).
- PUBLIC HEALTH AMENDMENT ACT: 1964, c. 93, ss. 1 (1) and 7 (30th September, 1964).
- PUBLIC LANDS AMENDMENT ACT: 1965, c. 108, s. 1 (1st October, 1965).
- PUBLIC WORKS CREDITORS PAYMENT ACT: 1962-63, c. 121 (1st September, 1963).
- RADIOLOGICAL TECHNICIANS ACT: 1962-63, c. 122 (1st August, 1964).
- REAL ESTATE AND BUSINESS BROKERS AMENDMENT ACT: 1962-63, c. 123, s. 24 (1st July, 1963).
- REGISTRY AMENDMENT ACT: 1961-62, c. 124 (1st April, 1964); 1962-63, c. 124, ss. 3, 5, 6, 11, 12, 15, 16, 20-22, 26-29, 36 and 50 (1st July, 1964); s. 41 (1st April, 1964); 1964, c. 102, s. 33 (1st July, 1964); 1965, c. 116, s. 5 (1st October, 1965).
- RYERSON POLYTECHNICAL INSTITUTE ACT: 1962-63, c. 128 (1st April, 1964).
- SECURITIES AMENDMENT ACT: 1962-63, c. 131 (1st July, 1963); 1964, c. 107 (1st April, 1965).
- SURROGATE COURTS AMENDMENT ACT: 1961-62, c. 136 (14th September, 1962).
- USED CAR DEALERS ACT: 1964, c. 121 (except s. 3) (15th January, 1965); s. 3 (31st March, 1965).

## B

ACTS AND PARTS OF ACTS NOT PROCLAIMED  
AS OF AUGUST 31st, 1965

APPROVED IMPARTIAL REFEREES AND ARBITRATORS ACT: 1961-62, c. 5.

ASSESSMENT AMENDMENT ACT: 1965, c. 6, s. 3 (1).

BRUCELLOSIS ACT: 1965, c. 10.

CHILD WELFARE ACT: 1965, c. 14.

CORPORATIONS AMENDMENT ACT: 1961-62, c. 21, s. 4.

CORPORATIONS TAX AMENDMENT ACT: 1965, c. 22, s. 3.

DEPARTMENT OF PUBLIC WELFARE AMENDMENT ACT: 1965, c. 30.

INSURANCE ACT: R.S.O. 1960, c. 190, ss. 337, 338 and 339.

INSURANCE AMENDMENT ACT: 1964, c. 47, ss. 5 and 6.

INVESTIGATION OF TITLES REPEAL ACT: 1964, c. 48.

LOAN AND TRUST CORPORATIONS AMENDMENT ACT: 1965, c. 61, s. 2.

LOCAL ROADS BOARDS AMENDMENT ACT: 1965, c. 63.

MEAT INSPECTION ACT (ONTARIO): 1962-63, c. 78, s. 2; 1965, c. 68, s. 2.

MEDICAL SERVICES INSURANCE ACT: 1965, c. 70.

MILK ACT: 1965, c. 72.

MINING ACT: R.S.O. 1960, c. 241, s. 164 (1961-62, c. 81, s. 1) (application to certain parts of Ontario).

MINING TAX AMENDMENT ACT: 1959, c. 61—*but see* R.S.O. 1960, c. 242, s. 34.

MOTOR VEHICLE FUEL TAX ACT: 1965, c. 76.

MUNICIPAL AMENDMENT ACT: 1965, c. 77, s. 17.

OPERATING ENGINEERS ACT: 1965, c. 92.

OPHTHALMIC DISPENSERS AMENDMENT ACT: 1965, c. 93.

PHARMACY AMENDMENT ACT: 1964, c. 89, ss. 6 and 7.

PUBLIC HEALTH AMENDMENT ACT: 1964, c. 93, ss. 1 (2), 5 and 9; 1965, c. 106, s. 4.

REGISTRY AMENDMENT ACT: 1964, c. 102, ss. 8 and 34.

RETAIL SALES TAX AMENDMENT ACT: 1965, c. 117, s. 2 (3).

SIMCOE (JOHN GRAVES) MEMORIAL FOUNDATION ACT: 1965, c. 125.

TOBACCO TAX ACT: 1965, c. 130.

TRAINING SCHOOLS ACT: 1965, c. 132.

UNIVERSITY EXPROPRIATION POWERS ACT: 1965, c. 135.

VACCINATION REPEAL ACT: 1964, c. 122.

# TABLE OF REGULATIONS

FILED UNDER THE REGULATIONS ACT

To the 31st Day of August, 1965

## PART I

Showing the Regulations contained in Revised Regulations of Ontario, 1960 and subsequent Regulations filed to the 31st day of August, 1965, other than those set out in Part II.

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
A			
Active Service Moratorium Act, 1943			
Application.....	1	.....	.....
Agricultural Associations Act			
Designation of Associations.....	2	.....	.....
<i>amended</i> .....	...	14/63	Feb. 2/63
<i>amended</i> .....	...	118/63	June 1/63
Agricultural Development Act			
Interest on Loans.....	4	.....	.....
Agricultural Development Finance Act			
Deposits.....	5	.....	.....
<i>amended</i> .....	...	187/62	Aug. 4/62
Agricultural Societies Act			
General.....	6	.....	.....
<i>amended</i> .....	...	65/62	Mar. 24/62
Air Pollution Control Act			
Industrial Sources.....	...	296/64	Nov. 14/64
The Air Pollution Control Advisory Committee.....	...	18/62	Feb. 3/62
Anatomy Act			
Duties of Inspectors and Fees.....	8	.....	.....
Andrew Mercer Reformatory Act			
General.....	9	.....	.....
Apprenticeship and Tradesmen's Qualification Act, 1964			
Barbers.....	...	267/64	Oct. 24/64
Barber Schools.....	...	268/64	Oct. 24/64
Bricklayers.....	...	264/64	Oct. 24/64
Carpenters.....	...	270/64	Oct. 24/64
Cooks.....	...	269/64	Oct. 24/64
Electricians.....	...	271/64	Oct. 24/64

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Apprenticeship and Tradesmen's Qualification Act, 1964—Continued</b>			
General.....		279/64	Oct. 24/64
Hairdressers.....		272/64	Oct. 24/64
Hairdressing Schools.....		273/64	Oct. 24/64
Masons.....		278/64	Oct. 24/64
Motor Vehicle Repairers.....		274/64	Oct. 24/64
Plasterers.....		276/64	Oct. 24/64
Watch Repairers.....		275/64	Oct. 24/64
Workers in Servicing and Installing Air-Conditioning or Refrigerating Equipment.....		266/64	Oct. 24/64
<b>Archaeological and Historic Sites Protection Act</b>			
Archaeological Sites.....	27		
<i>amended</i> .....		271/62	Oct. 27/62
Historic Sites.....	28		
<b>Architects Act</b>			
Complaints.....	29		
<i>amended</i> .....		312/63	Nov. 30/63
<b>Artificial Insemination of Cattle Act, 1962-63</b>			
General.....		26/64	Feb. 15/64
<b>Assessment Act</b>			
Grants for Assessment Commissioners.....		24/65	Feb. 6/65
Grants to District Assessors.....		23/65	Feb. 6/65
Payments to Mining Municipalities.....	31		
<i>amended</i> .....		130/61	July 3/61
<i>amended</i> .....		248/61	July 22/61
<i>amended</i> .....		331/61	Oct. 28/61
<i>amended</i> .....		50/62	Mar. 3/62
<i>amended</i> .....		63/62	Mar. 24/62
<i>amended</i> .....		3/63	Jan. 19/63
<i>amended</i> .....		11/63	Feb. 2/63
<i>amended</i> .....		95/65	May 1/65
<b>Athletics Control Act</b>			
Amount of Tax.....	32		
General.....	33		
<i>amended</i> .....		317/61	Oct. 14/61
<b>B</b>			
<b>Bailiffs Act, 1960-61</b>			
General.....		323/61	Oct. 14/61
<b>Barristers Act</b>			
Fee for Appointment as Queen's Counsel.....	35		
<b>Beach Protection Act</b>			
General.....	36		
<b>Bees Act</b>			
General.....	37		
<b>Blind Persons' Allowances Act</b>			
General.....	38		
<b>Boilers and Pressure Vessels Act, 1962-63</b>			
General.....	39		
<i>amended</i> .....		131/61	July 3/61
<i>amended</i> .....		135/64	June 27/64

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Boundaries Act</b>			
General .....	...	111/62	May 26/62
<b>Brucellosis Act</b>			
General .....	41		
amended .....	...	149/63	June 22/63
amended .....	...	275/63	Nov. 2/63
amended .....	...	12/64	Jan. 25/64
<b>C</b>			
<b>Cemeteries Act</b>			
Closings and Removals .....	42		
amended .....	...	277/61	Aug. 26/61
amended .....	...	332/61	Oct. 28/61
amended .....	...	354/61	Nov. 18/61
amended .....	...	192/62	Aug. 11/62
amended .....	...	226/62	Sept. 29/62
amended .....	...	308/62	Dec. 1/62
amended .....	...	6/63	Jan. 26/63
amended .....	...	198/63	July 27/63
amended .....	...	85/64	May 2/64
amended .....	...	191/64	Aug. 8/64
amended .....	...	25/65	Feb. 6/65
amended .....	...	162/65	July 10/65
amended .....	...	209/65	Sept. 11/65
General .....	43		
amended .....	...	288/62	Nov. 10/62
Perpetual Care Funds .....	44		
amended .....	...	367/61	Dec. 9/61
amended .....	...	120/62	June 2/62
amended .....	...	198/62	Aug. 18/62
amended .....	...	46/63	Mar. 9/63
<b>Certification of Titles Act</b>			
Certification Areas .....	45		
amended .....	...	132/61	July 3/61
amended .....	...	335/62	Dec. 22/62
amended .....	...	154/65	July 3/65
Fees .....	...	133/61	July 3/61
Procedure and Survey Code .....	47		
amended .....	...	112/62	May 26/62
<b>Change of Name Act</b>			
Fees and Forms .....	48		
<b>Charitable Institutions Act, 1962-63</b>			
General .....	...	297/64	Nov. 14/64
amended .....	...	156/65	July 3/65
<b>Child Welfare Act</b>			
General .....	50		
amended .....	...	246/62	Oct. 13/62
<b>Children's Boarding Homes Act</b>			
General .....	51		
<b>Children's Institutions Act, 1962-63</b>			
General .....	...	279/63	Nov. 2/63
amended .....	...	186/64	Aug. 1/64
amended .....	...	165/65	July 17/65
<b>Children's Mental Hospitals Act</b>			
General .....	52		



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Chiropody Act</b>			
General.....	53	.....	.....
<b>Collection Agencies Act</b>			
General.....	54	.....	.....
<b>Commissioners for Taking Affidavits Act</b>			
Fees.....	55	.....	.....
<i>amended</i> .....	...	161/65	July 10/65
<b>Community Centres Act</b>			
Grants.....	...	307/61	Oct. 7/61
<b>Community Psychiatric Hospitals Act, 1960-61</b>			
General.....	...	252/61	July 29/61
Grants.....	...	149/62	June 30/62
<i>amended</i> .....	...	306/63	Nov. 30/63
<b>Confederation Centennial Act, 1962-63</b>			
Grants.....	...	322/63	Dec. 7/63
<i>amended</i> .....	...	293/64	Nov. 14/64
<i>amended</i> .....	...	64/65	Mar. 20/65
<b>Conservation Authorities Act</b>			
Conservation Areas			
Big Creek Region.....	...	255/62	Oct. 20/62
<i>amended</i> .....	...	115/64	June 6/64
Credit Valley.....	...	91/63	April 27/63
Grand Valley.....	...	338/62	Dec. 29/62
Metropolitan Toronto and Region.....	...	128/65	June 5/65
Fill			
Ausable River.....	...	135/61	July 3/61
Grand Valley.....	...	80/62	April 14/62
Junction Creek.....	...	62/63	Mar. 23/63
Lower Thames Valley.....	...	69/62	Mar. 31/62
Mattagami Valley.....	...	294/62	Nov. 17/62
<i>amended</i> .....	...	78/63	April 13/63
Moira River.....	...	339/62	Dec. 29/62
Otonabee Region.....	...	138/61	July 3/61
Sixteen-Mile Creek.....	...	323/62	Dec. 15/62
Spencer Creek.....	...	313/61	Oct. 7/61
Sydenham Valley.....	...	313/62	Dec. 8/62
Fill and Construction.....	...	253/64	Oct. 10/64
Fill and Construction.....	...	322/64	Dec. 19/64
<i>amended</i> .....	...	120/65	May 29/65
Fill and Construction.....	...	148/65	June 26/65
<b>Construction Hoists Act, 1960-61</b>			
General.....	...	311/62	Dec. 1/62
<b>Construction Safety Act, 1961-62</b>			
General.....	...	170/62	July 14/62
<b>Controverted Elections Act</b>			
Procedure.....	56	.....	.....
<b>Co-operative Loans Act</b>			
General.....	57	.....	.....
<b>Coroners Act</b>			
Forms.....	58	.....	.....
<b>Corporation Securities Registration Act</b>			
Fees.....	59	.....	.....

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Corporations Act</b>			
Evidence of <i>Bona Fides</i> on Applications. . . . .	60		
<i>amended</i> . . . . .		96/63	May 4/63
<i>amended</i> . . . . .		342/64	Jan. 16/65
General. . . . .	61		
<i>amended</i> . . . . .		273/61	Aug. 19/61
<i>amended</i> . . . . .		103/62	May 19/62
<i>amended</i> . . . . .		203/62	Aug. 25/62
<i>amended</i> . . . . .		296/62	Nov. 17/62
<i>amended</i> . . . . .		11/65	Jan. 30/65
<b>Corporations Information Act</b>			
Content of Annual Return. . . . .		28/62	Feb. 17/62
<i>amended</i> . . . . .		69/63	Mar. 30/63
<i>amended</i> . . . . .		31/64	Feb. 15/64
General. . . . .	62		
<i>amended</i> . . . . .		12/65	Jan. 30/65
<b>Corporations Tax Act</b>			
General. . . . .	63		
<i>amended</i> . . . . .		231/61	July 3/61
<i>amended</i> . . . . .		210/65	Sept. 11/65
<b>Costs of Distress Act</b>			
Costs. . . . .		384/61	Dec. 23/61
<b>County Judges Act</b>			
Court Districts. . . . .	65		
<i>amended</i> . . . . .		327/63	Dec. 14/63
Shorthand Writers. . . . .	66		
<b>Credit Unions Act</b>			
Incorporation. . . . .	67		
<b>Crown Attorneys Act</b>			
Fees. . . . .	68		
<b>Crown Timber Act</b>			
General. . . . .	69		
<i>amended</i> . . . . .		333/63	Dec. 21/63
<i>amended</i> . . . . .		117/64	June 6/64
<b>Custody of Documents Act</b>			
Fees. . . . .		50/64	Mar. 7/64
<b>D</b>			
<b>Day Nurseries Act</b>			
General. . . . .	70		
<i>amended</i> . . . . .		141/61	July 3/61
<i>amended</i> . . . . .		152/62	June 30/62
<b>Dead Animal Disposal Act</b>			
General. . . . .	71		
<i>amended</i> . . . . .		145/62	June 23/62
<b>Dental Technicians Act</b>			
General. . . . .		283/63	Nov. 2/63
<b>Dentistry Act</b>			
Approved Dental Hygiene Courses—University of Toronto. . . . .	73		
Dental Hygienists. . . . .	74		
Registration Fee. . . . .	75		

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Department of Agriculture Act</b>			
Advisory Board. . . . .	76	.....	.....
Advisory Committee for Macdonald Institute. . . . .	77	.....	.....
Extension of Duties of Minister. . . . .	78	.....	.....
<b>Department of Education Act</b>			
Auxiliary—Education Services. . . . .	...	123/64	June 13/64
Diplomas—Elementary and Secondary Schools. . . . .	...	142/61	July 3/61
<i>amended</i> . . . . .	...	122/64	June 13/64
Elementary Schools			
General. . . . .	81	.....	.....
<i>amended</i> . . . . .	...	29/63	Feb. 16/63
Inspectors' Certificates. . . . .	82	.....	.....
<i>amended</i> . . . . .	...	209/62	Sept. 1/62
General Legislative Grants. . . . .	...	43/65	Feb. 20/65
Grade 12 Departmental Examinations. . . . .	...	235/63	Sept. 14/63
<i>amended</i> . . . . .	...	330/64	Dec. 26/64
Grade 13 Departmental Examinations. . . . .	85	.....	.....
<i>amended</i> . . . . .	...	10/62	Jan. 20/62
<i>amended</i> . . . . .	...	34/62	Feb. 17/62
<i>amended</i> . . . . .	...	52/63	Mar. 9/63
<i>amended</i> . . . . .	...	113/64	May 30/64
<i>amended</i> . . . . .	...	329/64	Dec. 26/64
<i>amended</i> . . . . .	...	65/65	Mar. 20/65
<i>amended</i> . . . . .	...	110/65	May 22/65
Grants for Non-Profit Camps. . . . .	...	175/64	July 18/64
Grants for Oral Classes for Deaf Children. . . . .	...	15/65	Jan. 30/65
Industrial Schools Staff. . . . .	87	.....	.....
Interim Teaching Certificates. . . . .	88	.....	.....
<i>amended</i> . . . . .	...	145/61	July 3/61
<i>amended</i> . . . . .	...	141/62	June 23/62
<i>amended</i> . . . . .	...	282/62	Nov. 3/62
<i>amended</i> . . . . .	...	121/64	June 13/64
<i>amended</i> . . . . .	...	76/65	April 3/65
Municipal Recreation Directors' Certificates. . . . .	89	.....	.....
Ontario School for the Blind and Ontario School for the Deaf. . . . .	...	28/63	Feb. 16/63
Permanent Teaching Certificates. . . . .	91	.....	.....
<i>amended</i> . . . . .	...	146/61	July 3/61
<i>amended</i> . . . . .	...	140/62	June 23/62
Programmes of Recreation. . . . .	92	.....	.....
<i>amended</i> . . . . .	...	67/62	Mar. 24/62
Provincial Institute of Mining. . . . .	93	.....	.....
Provincial Institute of Trades. . . . .	94	.....	.....
<i>amended</i> . . . . .	...	77/65	April 3/65
Purchase of Milk. . . . .	96	.....	.....
Reimbursement for Cost of Education in Territorial Districts or Crown Lands. . . . .	...	280/63	Nov. 2/63
Residential and Farm School Tax Assistance Grant. . . . .	...	104/64	May 16/64
Scholarships for Study Outside Ontario. . . . .	99	.....	.....
<i>amended</i> . . . . .	...	34/64	Feb. 22/64
<i>amended</i> . . . . .	...	124/65	May 29/65
School Attendance. . . . .	100	.....	.....
Schools for Retarded Children. . . . .	...	302/64	Nov. 21/64
Secondary Schools			
General. . . . .	98	.....	.....
<i>amended</i> . . . . .	...	136/62	June 23/62
Special Certificates. . . . .	101	.....	.....
<i>amended</i> . . . . .	...	263/61	Aug. 5/61
<i>amended</i> . . . . .	...	143/62	June 23/62
<i>amended</i> . . . . .	...	172/63	July 13/63
<i>amended</i> . . . . .	...	199/65	Aug. 21/65
Student Aid. . . . .	...	.....	.....
Supervisory Officers. . . . .	103	.....	.....
Teachers' Colleges. . . . .	104	.....	.....
<i>amended</i> . . . . .	...	148/61	July 3/61

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Department of Education Act—Continued</b>			
Teachers' Contracts.....	105	.....	.....
<i>amended</i> .....	.....	30/63	Feb. 16/63
Text-books.....	.....	137/62	June 23/62
<i>amended</i> .....	.....	227/63	Aug. 31/63
University of Ottawa Teachers' College.....	107	.....	.....
<i>amended</i> .....	.....	283/62	Nov. 3/62
<b>Department of Labour Act</b>			
Labour Safety Council.....	.....	3/62	Jan. 13/62
Proceedings of the Board.....	108	.....	.....
<i>amended</i> .....	.....	198/64	Aug. 15/64
Underground Work.....	.....	100/63	May 4/63
<i>amended</i> .....	.....	121/63	June 8/63
<b>Department of Municipal Affairs Act</b>			
Tax Arrears and Tax Sales Procedures.....	111	.....	.....
<i>amended</i> .....	.....	149/61	July 3/61
<i>amended</i> .....	.....	53/62	Mar. 10/62
<i>amended</i> .....	.....	201/62	Aug. 18/62
<i>amended</i> .....	.....	64/63	Mar. 23/63
<i>amended</i> .....	.....	314/63	Nov. 30/63
Town of Renfrew.....	.....	114/65	May 22/65
Towns of Bradford and Alliston.....	.....	133/64	June 20/64
Township of Colborne.....	.....	107/65	May 15/65
Township of Thurlow.....	.....	245/64	Oct. 3/64
Townships of Beverly and Saltfleet, and Village of St. Clair Beach.....	.....	44/65	Feb. 20/65
Village of Frankford.....	.....	318/64	Dec. 12/64
<b>Department of Tourism and Information Act</b>			
Advertising Matter.....	.....	208/65	Aug. 28/65
Advertising Tourist Accommodation.....	112	.....	.....
Grants for Museums.....	.....	293/61	Sept. 9/61
<i>amended</i> .....	.....	55/62	Mar. 10/62
<i>amended</i> .....	.....	205/63	Aug. 10/63
Grants for Regional Tourist Organizations.....	.....	150/61	July 3/61
<i>amended</i> .....	.....	65/64	Mar. 28/64
<i>amended</i> .....	.....	207/65	Aug. 28/65
<b>Deposits Regulation Act, 1962-63</b>			
General.....	.....	197/63	July 27/63
<b>Disabled Persons' Allowances Act</b>			
General.....	114	.....	.....
<i>amended</i> .....	.....	151/61	July 3/61
<b>District Welfare Administration Boards Act, 1962-63</b>			
Application for Grant under Section 7 of the Act.....	.....	168/64	July 11/64
<b>Division Courts Act</b>			
Courts.....	115	.....	.....
<i>amended</i> .....	.....	152/61	July 3/61
<i>amended</i> .....	.....	329/61	Oct. 21/61
<i>amended</i> .....	.....	70/62	Mar. 31/62
<i>amended</i> .....	.....	161/63	June 29/63
<i>amended</i> .....	.....	321/63	Dec. 7/63
<i>amended</i> .....	.....	1/64	Jan. 11/64
<i>amended</i> .....	.....	90/64	May 9/64
Rules of Procedure.....	116	.....	.....
Tariff of Fees.....	117	.....	.....
<b>Dog Tax and Live Stock and Poultry Protection Act</b>			
Dogs at Large in Unorganized Areas.....	118	.....	.....
<i>amended</i> .....	.....	44/62	Feb. 24/62



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Drugless Practitioners Act</b>			
Chiropractors.....	119		
<i>amended</i> .....		336/61	Oct. 28/61
<i>amended</i> .....		143/65	June 19/65
Classifications.....	120		
<i>amended</i> .....		373/61	Dec. 16/61
General.....	121		
<i>amended</i> .....		122/65	May 29/65
Masseurs.....	122		
<i>amended</i> .....		49/63	Mar. 9/63
Osteopaths.....	123		
Physiotherapists.....	...	377/61	Dec. 23/61
<b>E</b>			
<b>Economic Development Loans Guarantee Act, 1962-63</b>			
Financial Advisory Committee.....	...	75/64	April 18/64
General.....	...	103/63	May 11/63
<i>amended</i> .....	...	112/63	May 18/63
<i>amended</i> .....	...	74/64	April 18/64
<b>Edible Oil Products Act</b>			
General.....	125	.....	.....
<b>Elderly Persons' Housing Aid Act</b>			
Grants.....	126	.....	.....
<b>Elderly Persons' Social and Recreational Centres Act, 1961-62</b>			
General.....	...	130/63	June 15/63
<b>Election Act</b>			
Fees and Expenses.....	127		
<i>amended</i> .....	...	204/63	Aug. 3/63
<b>Elevators and Lifts Act</b>			
General.....	128	.....	.....
<b>Embalmers and Funeral Directors Act</b>			
General.....	129		
<i>amended</i> .....	...	153/61	July 3/61
<i>amended</i> .....	...	247/62	Oct. 13/62
<i>amended</i> .....	...	71/63	April 6/63
<b>Employment Agencies Act</b>			
General.....	...	154/61	July 3/61
<i>amended</i> .....	...	318/61	Oct. 14/61
<i>amended</i> .....	...	240/62	Oct. 6/62
<i>amended</i> .....	...	264/62	Oct. 20/62
<b>Energy Act, 1964</b>			
Exploration, Drilling and Production.....	...	326/64	Dec. 26/64
Fuel Oil Code.....	...	335/64	Jan. 2/65
Liquefied Petroleum Gas Code.....	...	336/64	Jan. 2/65
Natural and Manufactured Gas Code.....	...	333/64	Jan. 2/65
Spacing Units			
Avonry Pool, Township of Sombra.....	...	303/63	Nov. 16/63
Clearville.....	...	82/62	April 14/62
Colchester South.....	130		
Dawn and Sombra (Townships of).....	...	139/63	June 15/63
Gobles.....	...	41/65	Feb. 20/65
Gosfield South (Township of).....	...	311/64	Nov. 28/64
Malden Township.....	...	328/61	Oct. 21/61



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Energy Act, 1964—Continued</b>			
Spacing Units— <i>Continued</i>			
Moore (Township of).....	57/64		Mar. 14/64
amended.....	331/64		Dec. 26/64
Transmission and Distribution.....	325/64		Dec. 26/64
Transmission and Distribution Pipe Line Code.....	334/64		Jan. 2/64
<b>Escheats Act</b>			
Fees.....	133	.....	.....
<b>F</b>			
<b>Farm Products Containers Act</b>			
Fruit and Vegetables.....	137	.....	.....
amended.....	159/61		July 3/61
<b>Farm Products Grades and Sales Act</b>			
Apples			
Cold Storage.....	138	.....	.....
amended.....	325/62		Dec. 15/62
Christmas Trees			
Grades.....	201/65		Aug. 28/65
Dairy Products.....	139	.....	.....
amended.....	216/63		Aug. 31/63
Flue-Cured Tobacco.....	140	.....	.....
amended.....	284/61		Aug. 26/61
amended.....	302/62		Nov. 24/62
amended.....	318/62		Dec. 15/62
amended.....	36/64		Feb. 22/64
amended.....	55/64		Mar. 14/64
amended.....	289/64		Oct. 31/64
Fruit and Vegetables			
Grades.....	141	.....	.....
amended.....	160/61		July 3/61
amended.....	261/61		Aug. 5/61
amended.....	184/62		Aug. 4/62
amended.....	213/62		Sept. 8/62
amended.....	215/63		Aug. 31/63
amended.....	69/64		April 11/64
amended.....	191/65		Aug. 14/65
Inspection.....	142	.....	.....
amended.....	168/63		July 6/63
Licences.....	143	.....	.....
amended.....	141/65		June 19/65
Grades for Beef and Veal.....	67/63		Mar. 23/63
Honey.....	144	.....	.....
Poultry.....	145	.....	.....
<b>Farm Products Marketing Act</b>			
Apples			
Marketing.....	189/64		Aug. 1/64
Marketing.....	211/64		Aug. 22/64
Arbitration of Disputes.....	146	.....	.....
Asparagus			
Marketing.....	147	.....	.....
amended.....	161/61		July 3/61
amended.....	108/62		May 19/62
amended.....	81/63		April 20/63
amended.....	236/63		Sept. 14/63
Plan.....	148	.....	.....
amended.....	109/62		May 19/62
amended.....	223/63		Aug. 31/63
amended.....	295/63		Nov. 16/63
amended.....	54/64		Mar. 14/64

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Farm Products Marketing Act—Continued</b>			
Beans			
Marketing.....	149		
<i>amended</i> .....		162/61	July 3/61
<i>amended</i> .....		219/62	Sept. 8/62
<i>amended</i> .....		237/63	Sept. 14/63
<i>amended</i> .....		212/64	Aug. 22/64
Plan.....	150		
<i>amended</i> .....		218/63	Aug. 31/63
Berries for Processing			
Marketing.....	151		
Plan.....	152		
Broiler Chickens			
Marketing.....		101/65	May 8/65
<i>amended</i> .....		144/65	June 19/65
Plan.....		100/65	May 8/65
By-laws for Local Boards.....	153		
Celery			
Marketing.....	154		
Plan.....	155		
Eggs and Fowl			
Marketing.....		193/64	Aug. 8/64
Plan.....		188/64	Aug. 1/64
Fresh Peaches			
Marketing.....	156		
<i>amended</i> .....		238/63	Sept. 14/63
<i>amended</i> .....		119/65	May 29/65
Plan.....	157		
<i>amended</i> .....		217/63	Aug. 31/63
Fresh Vegetables			
Marketing.....	158		
Plan.....	159		
Grapes for Processing			
Marketing.....	160		
<i>amended</i> .....		163/61	July 3/61
<i>amended</i> .....		216/62	Sept. 8/62
<i>amended</i> .....		239/63	Sept. 14/63
<i>amended</i> .....		213/64	Aug. 22/64
<i>amended</i> .....		192/65	Aug. 14/65
Plan.....	161		
<i>amended</i> .....		164/61	July 3/61
<i>amended</i> .....		220/63	Aug. 31/63
Hogs			
Marketing.....	162		
<i>amended</i> .....		350/61	Nov. 18/61
<i>amended</i> .....		217/62	Sept. 8/62
<i>amended</i> .....		329/62	Dec. 22/62
<i>amended</i> .....		116/63	June 1/63
<i>amended</i> .....		352/63	Jan. 4/64
<i>amended</i> .....		56/65	Mar. 13/65
Plan.....	163		
<i>amended</i> .....		349/61	Nov. 18/61
<i>amended</i> .....		351/63	Jan. 4/64
<i>amended</i> .....		345/64	Jan. 16/65
Local Boards.....	164		
Onions			
Plan.....		333/61	Oct. 28/61
<i>amended</i> .....		365/61	Dec. 9/61
Seed-Corn			
Marketing.....	165		
<i>amended</i> .....		166/61	July 3/61
<i>amended</i> .....		106/62	May 19/62
<i>amended</i> .....		342/63	Dec. 28/63

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Farm Products Marketing Act—Continued</b>			
Seed-Corn— <i>Continued</i>			
Plan.....	166		
<i>amended</i> .....	...	107/62	May 19/62
<i>amended</i> .....	...	341/63	Dec. 28/63
Soya-Beans			
Marketing.....	167		
<i>amended</i> .....	...	170/64	July 11/64
Plan.....	168		
<i>amended</i> .....	...	167/61	July 3/61
Sugar-Beets			
Marketing.....	169		
Plan.....	170		
Tender Fruit for Processing			
Marketing.....	171		
<i>amended</i> .....	...	168/61	July 3/61
<i>amended</i> .....	...	254/61	July 29/61
<i>amended</i> .....	...	240/63	Sept. 14/63
<i>amended</i> .....	...	125/65	May 29/65
<i>amended</i> .....	...	193/65	Aug. 14/65
Plan.....	172		
<i>amended</i> .....	...	219/63	Aug. 31/63
Tobacco			
Marketing.....	173		
<i>amended</i> .....	...	107/63	May 11/63
<i>amended</i> .....	...	108/63	May 11/63
<i>amended</i> .....	...	223/64	Sept. 5/64
<i>amended</i> .....	...	36/65	Feb. 13/65
<i>amended</i> .....	...	186/65	July 31/65
Plan.....	174		
<i>amended</i> .....	...	346/61	Nov. 11/61
<i>amended</i> .....	...	102/63	May 11/63
<i>amended</i> .....	...	87/64	May 2/64
<i>amended</i> .....	...	140/65	June 19/65
Turkeys			
Marketing.....	...	204/65	Aug. 28/65
Plan.....	...	203/65	Aug. 28/65
<i>amended</i> .....	...	212/65	Sept. 11/65
Vegetables for Processing			
Marketing.....	175		
<i>amended</i> .....	...	241/63	Sept. 14/63
Plan.....	176		
<i>amended</i> .....	...	222/63	Aug. 31/63
<i>amended</i> .....	...	340/63	Dec. 28/63
Wheat			
Marketing.....	177		
<i>amended</i> .....	...	242/63	Sept. 14/63
Plan.....	178		
<i>amended</i> .....	...	221/63	Aug. 31/63
<i>amended</i> .....	...	270/63	Oct. 26/63
<b>Farm Products Marketing Amendment Act, 1955</b>			
Continuation of Schemes.....	179		
<b>Financial Administration Act</b>			
Permit for Living Accommodation.....	...	14/64	Feb. 1/64
<b>Fire Departments Act</b>			
Standards for Pumpers.....	182		
<b>Fire Marshals Act</b>			
General.....	183		
<i>amended</i> .....	...	5/65	Jan. 23/65

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Forest Fires Prevention Act</b>			
Fire Districts.....	184		
<i>amended</i> .....		169/61	July 3/61
<i>amended</i> .....		104/63	May 11/63
<i>amended</i> .....		76/64	April 25/64
<i>amended</i> .....		142/64	June 27/64
<i>amended</i> .....		195/65	Aug. 21/65
<b>Forestry Act</b>			
Nurseries.....	185		
<i>amended</i> .....		173/65	July 24/65
<b>G</b>			
<b>Game and Fish Act, 1961-62</b>			
Buffalo.....		319/63	Dec. 7/63
Crown Game Preserves.....		22/65	Feb. 6/65
<i>amended</i> .....		129/65	June 5/65
Fire-Arms.....		184/64	July 25/64
Fishing Huts.....		13/65	Jan. 30/65
Fishing Licences.....		46/65	Feb. 27/65
<i>amended</i> .....		172/65	July 24/65
Fur Royalties.....		124/63	June 8/63
Furs.....		343/64	Jan. 16/65
Guides.....		123/63	June 8/63
<i>amended</i> .....		250/63	Sept. 28/63
<i>amended</i> .....		3/64	Jan. 18/64
Hunter Safety Training Courses.....		94/64	May 16/64
Hunting by Aircraft.....		153/63	June 29/63
<i>amended</i> .....		266/63	Oct. 26/63
<i>amended</i> .....		260/64	Oct. 17/64
Hunting in Lake Superior Provincial Park.....		211/65	Sept. 11/65
Hunting in Provincial Parks.....		286/63	Nov. 2/63
<i>amended</i> .....		251/64	Oct. 10/64
<i>amended</i> .....		281/64	Oct. 24/64
Hunting Licences—Issuance.....		229/63	Aug. 31/63
<i>amended</i> .....		328/64	Dec. 26/64
Hunting on Crown Lands			
Geographic Townships of Bruton and Clyde.....		284/63	Nov. 2/63
Township of South Walsingham.....		285/63	Nov. 2/63
Township of Tosorontio.....		310/63	Nov. 30/63
<i>amended</i> .....		250/64	Oct. 10/64
Open Seasons			
Deer, Moose and Black Bear.....		139/65	June 12/65
<i>amended</i> .....		180/65	July 31/65
Fur-Bearing Animals.....		152/64	July 4/64
Fur-Bearing Animals.....		158/65	July 3/65
Game Birds.....		159/65	July 10/65
<i>amended</i> .....		181/65	July 31/65
Rabbit and Squirrel.....		153/65	July 3/65
Pheasant Hunting Preserves.....	199		
Pheasant Propagation and Sale.....	200		
Sale of Bass and Trout.....		163/63	June 29/63
Snares.....		247/63	Sept. 14/63
Trap-Line Areas.....	202		
Waters Set Apart.....		226/63	Aug. 31/63
<i>amended</i> .....		146/65	June 19/65
<i>amended</i> .....		194/65	Aug. 21/65
Waters Set Apart for Periods.....		82/64	May 2/64
<i>amended</i> .....		93/64	May 9/64
<i>amended</i> .....		174/64	July 18/64
<i>amended</i> .....		21/65	Feb. 6/65



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Game and Fish Act, 1961-62—Continued</b>			
Waters Set Apart for Periods—Continued			
amended.....	...	81/65	April 10/65
amended.....	...	145/65	June 19/65
amended.....	...	147/65	June 19/65
amended.....	...	177/65	July 24/65
<b>Gasoline Handling Act</b>			
General.....	205	.....	Oct. ....
amended.....	...	237/62	Oct. 6/62
amended.....	...	263/64	Oct. 17/64
amended.....	...	341/64	Jan. 9/65
<b>Gasoline Tax Act</b>			
General.....	206	.....	June ....
amended.....	...	124/62	June 9/62
amended.....	...	174/62	July 21/62
amended.....	...	109/63	May 18/63
amended.....	...	150/64	July 4/64
amended.....	...	131/65	June 5/65
<b>General Welfare Assistance Act</b>			
Dependent Fathers.....	...	22/63	Feb. 16/63
amended.....	...	154/64	July 4/64
amended.....	...	243/64	Oct. 3/64
amended.....	...	63/65	Mar. 20/65
amended.....	...	74/65	April 3/65
amended.....	...	97/65	May 8/65
General.....	207	.....	.....
amended.....	...	172/61	July 3/61
amended.....	...	362/61	Dec. 2/61
amended.....	...	78/62	April 14/62
amended.....	...	175/62	July 21/62
amended.....	...	144/63	June 22/63
amended.....	...	35/64	Feb. 22/64
amended.....	...	232/64	Sept. 19/64
amended.....	...	338/64	Jan. 9/65
amended.....	...	106/65	May 15/65
Indian Bands.....	208	.....	.....
amended.....	...	173/61	July 3/61
amended.....	...	119/63	June 8/63
Widows and Unmarried Women.....	...	111/63	May 18/63
amended.....	...	337/63	Dec. 28/63
<b>Grain Elevator Storage Act</b>			
General.....	209	.....	.....
<b>Guarantee Companies Securities Act</b>			
Approved Guarantee Companies.....	...	301/61	Sept. 30/61
amended.....	...	100/62	May 12/62
amended.....	...	275/62	Nov. 3/62
amended.....	...	326/62	Dec. 15/62
amended.....	...	4/63	Jan. 19/63
amended.....	...	171/63	July 6/63
amended.....	...	134/64	June 20/64
amended.....	...	190/64	Aug. 1/64
amended.....	...	190/65	July 31/65
<b>H</b>			
<b>Highway Improvement Act</b>			
Designations			
Miscellaneous Northern Ontario.....	212	.....	.....
amended.....	...	359/61	Dec. 2/61



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Highway Improvement Act—Continued</b>			
<i>Designations—Continued</i>			
<i>Miscellaneous Northern Ontario—Continued</i>			
amended.....	17/62	Feb. 3/62	
amended.....	38/62	Feb. 24/62	
amended.....	266/62	Oct. 27/62	
amended.....	235/64	Sept. 19/64	
Miscellaneous Southern Ontario.....	213		
amended.....	175/61	July 3/61	
amended.....	342/61	Oct. 28/61	
amended.....	13/62	Jan. 27/62	
amended.....	180/62	July 28/62	
amended.....	248/62	Oct. 13/62	
amended.....	307/62	Dec. 1/62	
amended.....	314/62	Dec. 8/62	
amended.....	54/63	Mar. 16/63	
amended.....	174/63	July 13/63	
amended.....	259/63	Oct. 12/63	
amended.....	331/63	Dec. 21/63	
amended.....	173/64	July 18/64	
amended.....	195/64	Aug. 8/64	
amended.....	217/64	Aug. 29/64	
amended.....	241/64	Oct. 3/64	
amended.....	287/64	Oct. 31/64	
amended.....	94/65	May 1/65	
Queen Elizabeth Way.....	214		
amended.....	357/61	Dec. 2/61	
amended.....	150/62	June 30/62	
amended.....	1/63	Jan. 12/63	
amended.....	43/63	Mar. 9/63	
amended.....	53/63	Mar. 16/63	
amended.....	300/63	Nov. 16/63	
amended.....	126/65	May 29/65	
Toronto to North Bay.....	215		
amended.....	176/61	July 3/61	
Toronto to Quebec Boundary (Hwy. 401).....	216		
amended.....	177/61	July 3/61	
amended.....	178/62	July 28/62	
amended.....	120/63	June 8/63	
amended.....	29/65	Feb. 6/65	
Toronto to Windsor (Hwy. 401).....	217		
amended.....	178/61	July 3/61	
amended.....	358/61	Dec. 2/61	
amended.....	12/62	Jan. 27/62	
amended.....	16/63	Feb. 9/63	
amended.....	194/63	July 27/63	
amended.....	7/64	Jan. 25/64	
amended.....	66/65	Mar. 20/65	
Toronto to Woodstock (Hwy. 403).....	286/62	Nov. 10/62	
amended.....	212/63	Aug. 24/63	
amended.....	155/64	July 4/64	
Trans-Canada Highway			
Orillia to Manitoba Boundary.....	218		
amended.....	259/61	Aug. 5/61	
amended.....	361/61	Dec. 2/61	
amended.....	41/62	Feb. 24/62	
amended.....	306/62	Dec. 1/62	
Orillia to Quebec Boundary.....	219		
amended.....	180/61	July 3/61	
amended.....	360/61	Dec. 2/61	
amended.....	386/61	Jan. 6/62	
amended.....	151/62	June 30/62	
amended.....	181/62	July 28/62	
amended.....	113/63	May 25/63	
amended.....	175/63	July 13/63	

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Highway Improvement Act—Continued</b>			
Designations— <i>Continued</i>			
Trans-Canada Highway— <i>Continued</i>			
Orillia to Quebec Boundary— <i>Continued</i>			
amended.....	194/64	Aug. 8/64	
amended.....	320/64	Dec. 12/64	
Intersections in Unorganized Territory.....	249/62	Oct. 13/62	
Permits.....	118/65	May 22/65	
<b>Highway Traffic Act</b>			
Appeals.....	205/65	Aug. 28/65	
Bicycles.....	179/63	July 13/63	
Dangerous Loads.....	181/61	July 3/61	
Demerit Point System.....	129/62	June 16/62	
amended.....	339/63	Dec. 28/63	
amended.....	176/64	July 18/64	
Designation of Highways.....	222		
Driving Instructor's Licence.....	223		
amended.....	127/65	June 5/65	
Equipment.....	224		
amended.....	66/64	Mar. 28/64	
Extension of Time for Licences.....	307/64	Nov. 28/64	
amended.....	57/65	Mar. 13/65	
Garage and Storage Licence.....	226		
General.....	227		
amended.....	182/61	July 3/61	
amended.....	317/62	Dec. 15/62	
amended.....	322/62	Dec. 15/62	
amended.....	35/63	Feb. 23/63	
amended.....	76/63	April 13/63	
amended.....	183/63	July 13/63	
amended.....	294/63	Nov. 16/63	
amended.....	311/63	Nov. 30/63	
amended.....	21/64	Feb. 8/64	
amended.....	40/64	Feb. 29/64	
amended.....	228/64	Sept. 12/64	
amended.....	300/64	Nov. 14/64	
amended.....	327/64	Dec. 26/64	
Gross Weight on Bridges.....	41/63	Mar. 2/63	
amended.....	264/63	Oct. 19/63	
Load Limits.....	19/65	Jan. 30/65	
Parking.....	229		
amended.....	114/64	May 30/64	
amended.....	116/64	June 6/64	
amended.....	285/64	Oct. 31/64	
amended.....	310/64	Nov. 28/64	
Reciprocal Suspension of Licences.....	230		
School Buses.....	183/61	July 3/61	
amended.....	119/62	June 2/62	
Signs.....	231		
amended.....	303/61	Sept. 30/61	
amended.....	29/62	Feb. 17/62	
amended.....	140/64	June 27/64	
amended.....	316/64	Dec. 12/64	
amended.....	171/65	July 17/65	
Speed Limits.....	232		
amended.....	184/61	July 3/61	
amended.....	310/61	Oct. 7/61	
amended.....	330/61	Oct. 21/61	
amended.....	348/61	Nov. 18/61	
amended.....	356/61	Nov. 25/61	
amended.....	371/61	Dec. 16/61	
amended.....	15/62	Jan. 27/62	
amended.....	52/62	Mar. 3/62	
amended.....	118/62	June 2/62	

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Highway Traffic Act—Continued</b>			
Speed Limits—Continued			
amended	128/62	June 9/62	
amended	158/62	June 30/62	
amended	164/62	July 14/62	
amended	172/62	July 14/62	
amended	183/62	July 28/62	
amended	197/62	Aug. 18/62	
amended	205/62	Aug. 25/62	
amended	231/62	Sept. 29/62	
amended	262/62	Oct. 20/62	
amended	273/62	Oct. 27/62	
amended	284/62	Nov. 3/62	
amended	303/62	Nov. 24/62	
amended	312/62	Dec. 1/62	
amended	324/62	Dec. 15/62	
amended	5/63	Jan. 19/63	
amended	23/63	Feb. 16/63	
amended	34/63	Feb. 23/63	
amended	72/63	April 6/63	
amended	75/63	April 13/63	
amended	89/63	April 27/63	
amended	114/63	May 25/63	
amended	122/63	June 8/63	
amended	178/63	July 13/63	
amended	207/63	Aug. 10/63	
amended	228/63	Aug. 31/63	
amended	256/63	Oct. 5/63	
amended	265/63	Oct. 19/63	
amended	292/63	Nov. 16/63	
amended	336/63	Dec. 28/63	
amended	338/63	Dec. 28/63	
amended	18/64	Feb. 1/64	
amended	38/64	Feb. 22/64	
amended	60/64	Mar. 14/64	
amended	81/64	April 25/64	
amended	88/64	May 2/64	
amended	163/64	July 11/64	
amended	166/64	July 11/64	
amended	216/64	Aug. 29/64	
amended	227/64	Sept. 12/64	
amended	236/64	Sept. 26/64	
amended	284/64	Oct. 31/64	
amended	1/65	Jan. 23/65	
amended	31/65	Feb. 6/65	
amended	58/65	Mar. 13/65	
amended	80/65	April 3/65	
amended	109/65	May 22/65	
amended	152/65	July 3/65	
amended	206/65	Aug. 28/65	
Speed Limits in Provincial Parks	233		
Speed Limits on Bridges	234		
Stop Signs at Intersections	117/62	June 2/62	
amended	90/63	April 27/63	
amended	182/63	July 13/63	
amended	208/63	Aug. 10/63	
amended	41/64	Feb. 29/64	
amended	106/64	May 23/64	
amended	138/64	June 27/64	
<b>Homemakers and Nurses Services Act</b>			
General	236		
amended	44/63	Mar. 9/63	
amended	72/65	Mar. 27/65	

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Homes for Retarded Children Act, 1962-63</b>			
General.....	...	277/63	Nov. 2/63
<i>amended</i> .....	...	164/65	July 17/65
<b>Homes for Special Care Act, 1964</b>			
General.....	...	261/64	Oct. 17/64
<i>amended</i> .....	...	104/65	May 15/65
<b>Homes for the Aged Act</b>			
General.....	237		
<i>amended</i> .....	...	185/61	July 3/61
<i>amended</i> .....	...	325/61	Oct. 21/61
<i>amended</i> .....	...	25/63	Feb. 16/63
<i>amended</i> .....	...	231/63	Aug. 31/63
<i>amended</i> .....	...	219/64	Sept. 5/64
<b>Hospital Labour Disputes Arbitration Act, 1965</b>			
Rules of Procedure.....	...	90/65	April 24/65
<b>Hospital Services Commission Act</b>			
General.....	238		
<i>amended</i> .....	...	186/61	July 3/61
<i>amended</i> .....	...	275/61	Aug. 19/61
<i>amended</i> .....	...	26/62	Feb. 10/62
<i>amended</i> .....	...	93/62	May 5/62
<i>amended</i> .....	...	144/62	June 23/62
<i>amended</i> .....	...	199/62	Aug. 18/62
<i>amended</i> .....	...	224/62	Sept. 15/62
<i>amended</i> .....	...	297/62	Nov. 17/62
<i>amended</i> .....	...	20/63	Feb. 9/63
<i>amended</i> .....	...	55/63	Mar. 16/63
<i>amended</i> .....	...	105/63	May 11/63
<i>amended</i> .....	...	156/63	June 29/63
<i>amended</i> .....	...	192/63	July 27/63
<i>amended</i> .....	...	272/63	Oct. 26/63
<i>amended</i> .....	...	301/63	Nov. 16/63
<i>amended</i> .....	...	30/64	Feb. 15/64
<i>amended</i> .....	...	58/64	Mar. 14/64
<i>amended</i> .....	...	71/64	April 18/64
<i>amended</i> .....	...	77/64	April 25/64
<i>amended</i> .....	...	108/64	May 23/64
<i>amended</i> .....	...	137/64	June 27/64
<i>amended</i> .....	...	165/64	July 11/64
<i>amended</i> .....	...	187/64	Aug. 1/64
<i>amended</i> .....	...	202/64	Aug. 15/64
<i>amended</i> .....	...	303/64	Nov. 21/64
<i>amended</i> .....	...	38/65	Feb. 20/65
<i>amended</i> .....	...	67/65	Mar. 20/65
<i>amended</i> .....	...	79/65	April 3/65
<i>amended</i> .....	...	86/65	April 17/65
<i>amended</i> .....	...	167/65	July 17/65
<i>amended</i> .....	...	198/65	Aug. 21/65
Nursing Homes for Chronic Care.....	239		
<b>Hospitals Tax Act</b>			
Exemptions.....	240		
<b>Hours of Work and Vacations with Pay Act</b>			
General.....	241		
<b>Hunter Damage Compensation Act, 1962-63</b>			
General.....	...	190/63	July 20/63
<b>Hypnosis Act, 1960-61</b>			
Application of Section 2 of Act.....	...	353/61	Nov. 18/61



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
I			
Income Tax Act, 1961-62			
Armed Forces.....		33/63	Feb. 23/63
General.....		77/62	April 14/62
<i>amended</i> .....		149/64	July 4/64
<i>amended</i> .....		346/64	Jan. 16/65
Industrial Farms Act			
Management and Discipline.....	537		
Industrial Safety Act, 1964			
Foundries.....		197/64	Aug. 15/64
General.....		196/64	Aug. 15/64
Industrial Standards Act			
Advisory Committees.....	242		
<i>amended</i> .....		187/61	July 3/61
<i>amended</i> .....		340/61	Oct. 28/61
<i>amended</i> .....		363/61	Dec. 2/61
<i>amended</i> .....		2/62	Jan. 13/62
<i>amended</i> .....		46/62	Mar. 3/62
<i>amended</i> .....		115/62	May 26/62
<i>amended</i> .....		196/62	Aug. 18/62
<i>amended</i> .....		227/62	Sept. 29/62
<i>amended</i> .....		281/62	Nov. 3/62
<i>amended</i> .....		60/63	Mar. 23/63
<i>amended</i> .....		201/63	Aug. 3/63
Designations			
Hard Furniture Industry.....	243		
Industries and Zones.....	244		
<i>amended</i> .....		244/61	July 15/61
<i>amended</i> .....		272/61	Aug. 19/61
<i>amended</i> .....		297/61	Sept. 23/61
<i>amended</i> .....		315/61	Oct. 14/61
<i>amended</i> .....		14/62	Jan. 27/62
<i>amended</i> .....		21/62	Feb. 3/62
<i>amended</i> .....		22/62	Feb. 3/62
<i>amended</i> .....		74/62	April 7/62
<i>amended</i> .....		97/62	May 12/62
<i>amended</i> .....		98/62	May 12/62
<i>amended</i> .....		122/62	June 2/62
<i>amended</i> .....		189/62	Aug. 4/62
<i>amended</i> .....		225/62	Sept. 15/62
<i>amended</i> .....		241/62	Oct. 6/62
<i>amended</i> .....		95/63	May 4/63
<i>amended</i> .....		232/63	Aug. 31/63
<i>amended</i> .....		20/64	Feb. 8/64
<i>amended</i> .....		171/64	July 18/64
<i>amended</i> .....		214/64	Aug. 29/64
<i>amended</i> .....		215/64	Aug. 29/64
<i>amended</i> .....		225/64	Sept. 12/64
<i>amended</i> .....		238/64	Sept. 26/64
<i>amended</i> .....		309/64	Nov. 28/64
<i>amended</i> .....		314/64	Dec. 5/64
<i>amended</i> .....		28/65	Feb. 6/65
<i>amended</i> .....		73/65	Mar. 27/65
<i>amended</i> .....		83/65	April 10/65
<i>amended</i> .....		89/65	April 24/65
Interprovincially Competitive Industries.....	245		
<i>amended</i> .....		316/61	Oct. 14/61
Retail Gasoline Service Industry.....	246		
Duties of Employers and Advisory Committees.....		199/64	Aug. 15/64



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Industrial Standards Act—Continued</b>			
Schedules			
Barbering Industry			
Ajax.....	...	1/62	Jan. 13/62
Arnprior.....	248	.....	.....
Aurora.....	249	.....	.....
Aylmer.....	250	.....	.....
Barrie.....	251	.....	.....
Beamsville.....	252	.....	.....
Belleville.....	253	.....	.....
Blyth.....	254	.....	.....
Bracebridge.....	255	.....	.....
Brampton.....	256	.....	.....
Brantford.....	.....	193/62	Aug. 11/62
Brockville.....	258	.....	.....
Brownsville.....	308	.....	.....
Brussels.....	254	.....	.....
Burlington.....	259	.....	.....
Campbellford.....	260	.....	.....
Cardinal.....	297	.....	.....
Carleton Place.....	261	.....	.....
Chatham.....	262	.....	.....
Clinton (Town of).....	.....	188/61	July 3/61
Clinton (Township of).....	252	.....	.....
Cobourg.....	...	47/62	Mar. 3/62
Collingwood.....	265	.....	.....
Cornwall.....	266	.....	.....
Courtland.....	308	.....	.....
Delhi.....	303	.....	.....
Dundas.....	267	.....	.....
Eden.....	308	.....	.....
Elora.....	268	.....	.....
Essex County.....	.....	226/64	Sept. 12/64
Fergus.....	268	.....	.....
Forest.....	294	.....	.....
Fort Frances.....	270	.....	.....
Fort William-Port Arthur.....	271	.....	.....
<i>amended</i> .....	...	210/64	Aug. 22/64
Galt.....	...	61/63	Mar. 23/63
Gananoque.....	273	.....	.....
Goderich.....	.....	188/61	July 3/61
Gravenhurst.....	255	.....	.....
Grimsby.....	252	.....	.....
Guelph.....	274	.....	.....
Hagersville.....	303	.....	.....
Hamilton.....	.....	310/62	Dec. 1/62
Humberstone.....	295	.....	.....
Huntsville.....	255	.....	.....
Iroquois.....	297	.....	.....
Jarvis.....	303	.....	.....
Kapuskasing.....	.....	84/64	May 2/64
Keewatin.....	276	.....	.....
Kenora.....	276	.....	.....
Kingston.....	277	.....	.....
Kitchener-Waterloo.....	.....	18/63	Feb. 9/63
Lindsay.....	279	.....	.....
London.....	.....	189/61	July 3/61
Louth.....	252	.....	.....
Lucknow.....	254	.....	.....
Metropolitan Toronto.....	282	.....	.....
<i>amended</i> .....	...	380/61	Dec. 23/61
Midland.....	283	.....	.....
Morrisburg.....	297	.....	.....
Newmarket.....	249	.....	.....
Niagara Falls.....	.....	190/61	July 3/61

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Industrial Standards Act—Continued</b>			
Schedules—Continued			
Barbering Industry—Continued			
North Bay.....	...	136/65	June 12/65
Oakville.....	286	...	...
amended.....	...	228/62	Sept. 29/62
Orillia.....	287	...	...
Oshawa.....	...	10/63	Feb. 2/63
Ottawa.....	...	341/62	Jan. 5/63
Owen Sound.....	...	191/61	July 3/61
Paris.....	291	...	...
Pembroke.....	292	...	...
Penetanguishene.....	283	...	...
Perth.....	261	...	...
Peterborough.....	...	192/61	July 3/61
Petrolia.....	294	...	...
Point Edward.....	...	48/62	Mar. 3/62
Port Burwell.....	308	...	...
Port Colborne.....	295	...	...
Port Dover.....	303	...	...
Port Hope.....	...	339/61	Oct. 28/61
Port McNicoll.....	283	...	...
Port Rowan.....	303	...	...
Prescott.....	297	...	...
Renfrew.....	298	...	...
St. Catharines.....	...	193/61	July 3/61
St. Mary's.....	299	...	...
St. Thomas.....	...	116/65	May 22/65
St. Williams.....	303	...	...
Sarnia.....	...	48/62	Mar. 3/62
Sault Ste. Marie.....	302	...	...
Schumacher.....	309	...	...
Seaforth.....	...	188/61	July 3/61
Simcoe.....	303	...	...
Smith's Falls.....	304	...	...
South Porcupine.....	309	...	...
South Walsingham.....	303	...	...
Stoney Creek—Saltfleet.....	...	234/64	Sept. 19/64
Springfield.....	250	...	...
Stratfordville.....	308	...	...
Stratford.....	305	...	...
Sudbury.....	...	134/65	June 12/65
Teck.....	307	...	...
Teeswater.....	254	...	...
Tillsonburg.....	308	...	...
Timmins.....	309	...	...
Trenton.....	310	...	...
Victoria Harbour.....	283	...	...
Vienna.....	308	...	...
Waterford.....	303	...	...
Welland.....	...	364/61	Dec. 2/61
Whitby.....	...	195/62	Aug. 18/62
Wingham.....	254	...	...
Woodstock.....	313	...	...
Bricklaying and Stonemasonry			
Cornwall.....	314	...	...
Hamilton.....	...	184/65	July 31/65
Kitchener-Waterloo.....	315	...	...
Oshawa.....	316	...	...
Ottawa.....	...	115/65	May 22/65
Port Arthur-Fort William.....	318	...	...
Sarnia.....	319	...	...
Toronto.....	...	202/63	Aug. 3/63
amended.....	...	130/64	June 20/64
Whitby.....	316	...	...
Windsor.....	320	...	...

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Industrial Standards Act—Continued</b>			
Schedules—Continued			
Carpentry Industry			
Belleville.....	321	.....	.....
Brockville.....	322	.....	.....
Cornwall.....	323	.....	.....
Fort Frances.....	324	.....	.....
Hamilton.....	.....	169/65	July 17/65
Keewatin.....	325	.....	.....
Kenora.....	325	.....	.....
Kingston.....	326	.....	.....
Niagara Falls.....	327	.....	.....
Oshawa.....	328	.....	.....
Ottawa.....	.....	170/65	July 17/65
Owen Sound.....	330	.....	.....
St. Catharines.....	331	.....	.....
Sudbury.....	332	.....	.....
Whitby.....	328	.....	.....
Windsor.....	.....	137/65	June 12/65
Common Labourers Construction Industry			
Windsor.....	335	.....	.....
Electrical Repair and Construction Industry			
Belleville.....	336	.....	.....
Chatham.....	337	.....	.....
Cornwall.....	338	.....	.....
London.....	.....	194/61	July 3/61
Niagara Falls.....	340	.....	.....
Oshawa.....	341	.....	.....
Ottawa.....	.....	265/64	Oct. 24/64
Port Arthur-Fort William.....	343	.....	.....
St. Thomas.....	.....	37/65	Feb. 20/65
Sarnia.....	.....	195/61	July 3/61
Toronto.....	.....	117/65	May 22/65
Welland.....	345	.....	.....
Whitby.....	341	.....	.....
Windsor.....	346	.....	.....
Fur Industry			
Ontario.....	.....	280/62	Nov. 3/62
amended.....	.....	169/64	July 11/64
Ladies' Cloak and Suit Industry			
Ontario.....	348	.....	.....
amended.....	.....	184/63	July 13/63
amended.....	.....	63/64	Mar. 21/64
Ladies' Dress and Sportswear Industry			
Ontario.....	349	.....	.....
amended.....	.....	86/62	April 21/62
amended.....	.....	2/64	Jan. 11/64
Lathing Industry			
Hamilton.....	.....	196/61	July 3/61
Ottawa.....	.....	183/65	July 31/65
Men's and Boys' Clothing Industry			
Ontario.....	351	.....	.....
amended.....	.....	369/61	Dec. 9/61
amended.....	.....	175/65	July 24/65
Men's and Boys' Hat and Cap Industry			
Ontario.....	352	.....	.....
Millinery Industry			
Ontario.....	.....	204/64	Aug. 15/64
Painting and Decorating Industry			
Brantford.....	354	.....	.....
Cornwall.....	355	.....	.....
Hamilton.....	356	.....	.....
Kingston.....	357	.....	.....
Kitchener-Waterloo.....	.....	197/61	July 3/61
London.....	358	.....	.....

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Industrial Standards Act—Continued</b>			
Schedules—Continued			
Painting and Decorating Industry—Continued			
Niagara Falls.....	...	169/62	July 14/62
Oshawa.....	360	...	...
Ottawa.....	...	309/61	Oct. 7/61
Peterborough.....	362	...	...
Port Arthur-Fort William.....	363	...	...
St. Catharines.....	...	198/61	July 3/61
Sault Ste. Marie.....	364	...	...
Toronto.....	365	...	...
Whitby.....	360	...	...
Windsor.....	366	...	...
Plastering Industry			
Brantford.....	367	...	...
Hamilton.....	368	...	...
Kitchener-Waterloo.....	369	...	...
Oshawa.....	370	...	...
Ottawa.....	...	135/65	June 12/65
Port Arthur-Fort William.....	...	116/62	May 26/62
St. Catharines.....	372	...	...
Sarnia.....	...	199/61	July 3/61
Toronto.....	...	182/65	July 31/65
Whitby.....	370	...	...
Windsor.....	375	...	...
Plumbing and Heating Industry			
Belleville.....	376	...	...
Kitchener-Waterloo.....	377	...	...
London.....	378	...	...
Oshawa.....	379	...	...
Ottawa.....	...	224/64	Sept. 12/64
Port Arthur-Fort William.....	...	200/61	July 3/61
Welland.....	382	...	...
Whitby.....	379	...	...
Windsor.....	383	...	...
Sheet-Metal-Work Construction Industry			
Belleville.....	388	...	...
Ottawa.....	389	...	...
Port Arthur-Fort William.....	390	...	...
Windsor.....	391	...	...
<b>Insurance Act</b>			
Agents' Licences for Insurance other than Life			
Insurance.....	392	...	...
<i>amended</i> .....	...	240/61	July 15/61
<i>amended</i> .....	...	374/61	Dec. 16/61
<i>amended</i> .....	...	23/62	Feb. 3/62
<i>amended</i> .....	...	293/62	Nov. 10/62
Extension of Provisions of Act.....	...	181/64	July 25/64
General.....	393	...	...
<b>Investment Contracts Act</b>			
Registration.....	394	...	...
<b>J</b>			
<b>Jails Act</b>			
Employment Outside Jails.....	395	...	...
Maintenance Grants.....	...	63/63	Mar. 23/63

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Judicature Act</b>			
Rules of Practice.....	396	.....	.....
<i>amended</i> .....	.....	201/61	July 3/61
<i>amended</i> .....	.....	162/62	July 7/62
<i>amended</i> .....	.....	80/63	April 20/63
<i>amended</i> .....	.....	180/64	July 25/64
<i>amended</i> .....	.....	155/65	July 3/65
Stenographic Reporters.....	397	.....	.....
<b>Junior Farmer Establishment Act</b>			
Application for Bank Loan.....	.....	253/63	Sept. 28/63
General.....	398	.....	.....
<i>amended</i> .....	.....	245/63	Sept. 14/63
<i>amended</i> .....	.....	37/64	Feb. 22/64
<b>L</b>			
<b>Labour Relations Act</b>			
General.....	399	.....	.....
<i>amended</i> .....	.....	337/62	Dec. 29/62
Jurisdictional Disputes Commission.....	.....	202/61	July 3/61
<i>amended</i> .....	.....	202/62	Aug. 25/62
Office of the Board.....	400	.....	.....
Rules of Procedure.....	401	.....	.....
<i>amended</i> .....	.....	368/61	Dec. 9/61
<i>amended</i> .....	.....	194/62	Aug. 11/62
<i>amended</i> .....	.....	246/64	Oct. 3/64
<b>Land Titles Act</b>			
Code of Standards and Procedure for Surveys and Plans	.....	77/63	April 13/63
Rules.....	403	.....	.....
<i>amended</i> .....	.....	203/61	July 3/61
<i>amended</i> .....	.....	329/63	Dec. 14/63
<i>amended</i> .....	.....	47/64	Mar. 7/64
<i>amended</i> .....	.....	160/64	July 4/64
<b>Legislative Assembly Retirement Allowances Act</b>			
Table.....	.....	27/62	Feb. 10/62
<b>Lightning Rods Act</b>			
General.....	404	.....	.....
<b>Liquor Control Act</b>			
General.....	405	.....	.....
<i>amended</i> .....	.....	254/63	Oct. 5/63
<i>amended</i> .....	.....	32/64	Feb. 15/64
<b>Liquor Licence Act</b>			
Fees on Votes and Licensing Districts.....	406	.....	.....
<i>amended</i> .....	.....	204/61	July 3/61
General.....	.....	187/65	July 31/65
Votes.....	408	.....	.....
<b>Live Stock and Live Stock Products Act</b>			
Eggs.....	409	.....	.....
Hogs.....	410	.....	.....
Wool.....	411	.....	.....
<b>Live Stock Community Sales Act</b>			
General.....	412	.....	.....
<b>Loan and Trust Corporations Act</b>			
Approved Trust Companies.....	413	.....	.....
<i>amended</i> .....	.....	182/64	July 25/64
Common Trust Funds.....	414	.....	.....



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Local Roads Boards Act, 1964</b>			
Establishment of Local Roads Areas.....		54/65	Mar. 13/65
<i>amended</i> .....		87/65	April 17/65
<i>amended</i> .....		108/65	May 15/65
<i>amended</i> .....		121/65	May 29/65
<i>amended</i> .....		132/65	June 5/65
General.....		315/64	Dec. 5/64
<b>Loggers' Safety Act, 1962-63</b>			
General.....		317/64	Dec. 12/64
<b>M</b>			
<b>Magistrates Act</b>			
General.....	415		
<b>Meat Inspection Act (Ontario), 1962-63</b>			
General.....		20/65	Feb. 6/65
<b>Mental Hospitals Act</b>			
General.....	416		
<i>amended</i> .....		206/61	July 3/61
<i>amended</i> .....		68/62	Mar. 31/62
<i>amended</i> .....		121/62	June 2/62
<i>amended</i> .....		148/62	June 30/62
<i>amended</i> .....		37/63	Mar. 2/63
<i>amended</i> .....		86/63	April 27/63
<i>amended</i> .....		93/63	April 27/63
<i>amended</i> .....		191/63	July 27/63
<i>amended</i> .....		230/63	Aug. 31/63
<i>amended</i> .....		24/64	Feb. 15/64
<i>amended</i> .....		295/64	Nov. 14/64
<i>amended</i> .....		52/65	Mar. 13/65
<i>amended</i> .....		130/65	June 5/65
Mental Health Centres.....		207/62	Sept. 1/62
Out-Patient Departments.....	417		
Residential Units.....		387/61	Jan. 6/62
<i>amended</i> .....		92/63	April 27/63
<i>amended</i> .....		340/64	Jan. 9/65
Special Units.....	418		
Veterans.....	419		
<b>Milk Act, 1965 (not in force until Act proclaimed)</b>			
Milk			
Plan.....		202/65	Aug. 28/65
<b>Milk Industry Act</b>			
By-laws for Local Boards.....	420		
By-laws for the Milk Producers' Co-ordinating Board.....	421		
Cheese			
Marketing.....	422		
Plan.....	423		
<i>amended</i> .....		336/62	Dec. 22/62
Collective Bargaining and Licence Fees.....	424		
<i>amended</i> .....		290/61	Sept. 9/61
<i>amended</i> .....		261/63	Oct. 19/63
<i>amended</i> .....		25/64	Feb. 15/64
Concentrated Milk			
Marketing.....	425		
<i>amended</i> .....		33/64	Feb. 22/64
Plan.....	426		
<i>amended</i> .....		43/64	Feb. 29/64
Cream for Processing			
Marketing.....	427		
Plan.....	428		

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Milk Industry Act—Continued</b>			
Designations			
Markets	429		
<i>amended</i>		295/61	Sept. 16/61
<i>amended</i>		59/62	Mar. 17/62
Milk Products	430		
<i>amended</i>		147/63	June 22/63
<i>amended</i>		42/64	Feb. 29/64
Fluid Milk			
Classes and Containers	431		
<i>amended</i>		51/63	Mar. 9/63
<i>amended</i>		13/64	Jan. 25/64
<i>amended</i>		196/65	Aug. 21/65
General	432		
<i>amended</i>		208/61	July 3/61
<i>amended</i>		296/61	Sept. 16/61
<i>amended</i>		335/61	Oct. 28/61
<i>amended</i>		45/62	Feb. 24/62
<i>amended</i>		267/62	Oct. 27/62
<i>amended</i>		50/63	Mar. 9/63
<i>amended</i>		148/63	June 22/63
<i>amended</i>		343/63	Dec. 28/63
<i>amended</i>		344/64	Jan. 16/65
<i>amended</i>		47/65	Feb. 27/65
Price Differential		81/62	April 14/62
Local Boards	433		
Milk Products	434		
<i>amended</i>		209/61	July 3/61
<i>amended</i>		274/63	Nov. 2/63
<i>amended</i>		179/64	July 25/64
<i>amended</i>		48/65	Feb. 27/65
Price Formula		125/64	June 13/64
<b>Minimum Wage Act</b>			
Construction Workers			
Northern Ontario Zone		102/64	May 16/64
Oshawa, Toronto, Hamilton and Southern Ontario Zone		134/63	June 15/63
<i>amended</i>		99/64	May 16/64
<i>amended</i>		126/64	June 13/64
General Workers and Hotel and Restaurant Workers			
Northern Ontario Zone		8/65	Jan. 23/65
Oshawa, Toronto, Hamilton Zone		6/65	Jan. 23/65
Southern Ontario Zone		7/65	Jan. 23/65
Suspension of Order		9/65	Jan. 23/65
Taxi Business		254/64	Oct. 10/64
<b>Mining Act</b>			
Boring Permits for Petroleum and Natural Gas	438		
Dredging Leases		313/64	Dec. 5/64
Exploratory Licences and Leases for Oil and Natural Gas in Lower Great Lakes	440		
<i>amended</i>		125/62	June 9/62
<i>amended</i>		53/65	Mar. 13/65
<i>amended</i>		163/65	July 10/65
Forms	441		
<i>amended</i>		257/63	Oct. 12/63
<i>amended</i>		345/63	Jan. 4/64
<i>amended</i>		291/64	Nov. 7/64
<i>amended</i>		17/65	Jan. 30/65
Lands Open for Prospecting, Staking Out or Leasing		111/65	May 22/65
Lands Withdrawn from Prospecting	442		
<i>amended</i>		296/63	Nov. 16/63
Mining Divisions	443		
Refinery Licences	444		
Surveys of Mining Claims	445		

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Mortgage Brokers Registration Act</b>			
General.....	446	.....	.....
<b>Mortmain and Charitable Uses Act</b>			
Licences and Fees.....	447	.....	.....
<i>amended</i> .....	.....	338/61	Oct. 28/61
<i>amended</i> .....	.....	10/65	Jan. 30/65
<b>Mothers' Allowances Act</b>			
General.....	.....	21/63	Feb. 9/63
<i>amended</i> .....	.....	242/64	Oct. 3/64
<i>amended</i> .....	.....	62/65	Mar. 20/65
<i>amended</i> .....	.....	75/65	April 3/65
<i>amended</i> .....	.....	98/65	May 8/65
<b>Motor Vehicle Accident Claims Act, 1961-62</b>			
General.....	.....	155/62	June 30/62
<i>amended</i> .....	.....	22/64	Feb. 8/64
<i>amended</i> .....	.....	80/64	April 25/64
<b>Motor Vehicle Fuel Tax Act</b>			
Exemptions.....	449	.....	.....
<b>Municipal Act</b>			
Attendance Credits for Jail Employees.....	450	.....	.....
<i>amended</i> .....	.....	253/62	Oct. 20/62
Pension Plan for Municipal Employees.....	451	.....	.....
<i>amended</i> .....	.....	167/62	July 14/62
<i>amended</i> .....	.....	27/65	Feb. 6/65
N			
<b>Niagara Parks Act</b>			
General.....	452	.....	.....
<i>amended</i> .....	.....	167/63	July 6/63
<i>amended</i> .....	.....	249/64	Oct. 3/64
<b>Notaries Act, 1962-63</b>			
Fees.....	.....	288/63	Nov. 2/63
<b>Nurses Act, 1961-62</b>			
General.....	.....	342/62	Jan. 5/63
<i>amended</i> .....	.....	132/63	June 15/63
<i>amended</i> .....	.....	211/63	Aug. 17/63
<i>amended</i> .....	.....	208/64	Aug. 22/64
O			
<b>Official Notices Publication Act</b>			
Rates.....	456	.....	.....
<b>Old Age Assistance Act</b>			
General.....	457	.....	.....
<b>Oleomargarine Act</b>			
General.....	458	.....	.....
<i>amended</i> .....	.....	320/63	Dec. 7/63
<i>amended</i> .....	.....	330/63	Dec. 21/63
<i>amended</i> .....	.....	56/64	Mar. 14/64

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Ontario Energy Board Act, 1964</b>			
General.....	459	.....	.....
<i>amended</i> .....	.....	88/62	April 21/62
<i>amended</i> .....	.....	330/62	Dec. 22/62
<i>amended</i> .....	.....	7/63	Jan. 26/63
<i>amended</i> .....	.....	150/63	June 29/63
<i>amended</i> .....	.....	299/64	Nov. 14/64
<i>amended</i> .....	.....	323/64	Dec. 26/64
Rules of Procedure.....	.....	324/64	Dec. 26/64
<b>Ontario Food Terminal Act</b>			
Composition of Board.....	461	.....	.....
Conduct of Business.....	.....	99/65	May 8/65
Procedure of the Board.....	463	.....	.....
<b>Ontario Highway Transport Board Act</b>			
Rules of Procedure.....	464	.....	.....
<b>Ontario Human Rights Code, 1961-62</b>			
Form of Complaint.....	...	130/62	June 16/62
<b>Ontario Institute for Studies in Education Act, 1965</b>			
General.....	...	174/65	July 24/65
<b>Ontario Municipal Board Act</b>			
Composition of Board.....	465	.....	.....
Procedure.....	466	.....	.....
<b>Ontario Municipal Employees Retirement System Act, 1961-62</b>			
Employer's Contribution.....	...	73/64	April 18/64
<i>amended</i> .....	...	2/65	Jan. 23/65
General.....	...	168/62	July 14/62
<i>amended</i> .....	...	88/65	April 24/65
<i>amended</i> .....	...	133/65	June 5/65
<b>Ontario Municipal Improvement Corporation Act</b>			
Interest on Debentures.....	...	99/63	May 4/63
<i>amended</i> .....	...	86/64	May 2/64
Procedure.....	468	.....	.....
<b>Ontario Telephone Development Corporation Act</b>			
Composition of Corporation.....	470	.....	.....
<b>Ontario Water Resources Commission Act</b>			
Exemptions from Section 28 <i>b</i> .....	...	70/63	April 6/63
Plumbing Code.....	471	.....	.....
<i>amended</i> .....	...	178/64	July 25/64
Water Wells.....	...	212/61	July 3/61
<b>Operating Engineers Act</b>			
General.....	473	.....	.....
<i>amended</i> .....	...	348/63	Jan. 4/64
<b>Ophthalmic Dispensers Act, 1960-61</b>			
General.....	...	376/61	Dec. 23/61
<b>Optometry Act, 1961-62</b>			
General.....	...	166/63	July 6/63
<b>Parks Assistance Act</b>			
General.....	475	.....	.....



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Parole Act</b>			
Parole.....	...	251/62	Oct. 13/62
<b>Partnerships Registration Act</b>			
Fees.....	...	51/64	Mar. 7/64
<b>Penal and Reform Institutions Inspection Act</b>			
Jails.....	477	.....	.....
<i>amended</i> .....	...	252/62	Oct. 13/62
<i>amended</i> .....	...	166/65	July 17/65
Conduct Record in Reformatories.....	478	.....	.....
<i>amended</i> .....	...	319/64	Dec. 12/64
<b>Pension Benefits Act, 1965</b>			
General.....	...	188/65	Aug. 7/65
<b>Pesticides Act</b>			
General.....	...	5/64	Jan. 25/64
<i>amended</i> .....	...	84/65	April 17/65
<b>Pharmacy Act</b>			
Registration and Apprenticeship.....	480	.....	.....
<i>amended</i> .....	...	234/63	Sept. 7/63
<i>amended</i> .....	...	294/64	Nov. 14/64
Sale of Drugs.....	481	.....	.....
<i>amended</i> .....	...	304/61	Sept. 30/61
<b>Planning Act</b>			
Restricted Areas			
Blind River.....	482	.....	.....
District of Cochrane—Casgrain, Hanlan, Kendall and Way Townships.....	...	291/63	Nov. 9/63
District of Cochrane—O'Brien, Owens, Teetzel and Williamson Townships.....	...	185/63	July 13/63
District of Nipissing—Commanda Township.....	...	186/63	July 13/63
District of Parry Sound.....	...	305/64	Nov. 21/64
District of Thunder Bay—Booth Township.....	...	45/65	Feb. 20/65
Districts of Cochrane, Sudbury and Timiskaming.....	...	209/64	Aug. 22/64
Districts of Nipissing and Timiskaming.....	...	32/65	Feb. 13/65
Haileybury.....	483	.....	.....
Improvement District of Bicroft.....	...	280/64	Oct. 24/64
Kenricia.....	484	.....	.....
Teck Township—Englehart Area.....	...	153/62	June 30/62
<i>amended</i> .....	...	8/64	Jan. 25/64
White River.....	...	307/63	Nov. 30/63
<b>Plant Diseases Act</b>			
General.....	485	.....	.....
<b>Police Act</b>			
General.....	486	.....	.....
<i>amended</i> .....	...	287/63	Nov. 2/63
<i>amended</i> .....	...	200/64	Aug. 15/64
Responsibility of Policing.....	487	.....	.....
<i>amended</i> .....	...	244/62	Oct. 13/62
<i>amended</i> .....	...	245/62	Oct. 13/62
<i>amended</i> .....	...	61/64	Mar. 14/64
<i>amended</i> .....	...	160/65	July 10/65



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Power Commission Act</b>			
Conversion to Sixty Cycles.....	488		
Fees.....		306/64	Nov. 21/64
Ontario Electrical Code.....		304/63	Nov. 23/63
Pension Plan.....	491		
<i>amended</i> .....		213/61	July 3/61
<i>amended</i> .....		16/62	Feb. 3/62
<i>amended</i> .....		212/62	Sept. 8/62
<i>amended</i> .....		309/63	Nov. 30/63
<i>amended</i> .....		9/64	Jan. 25/64
<i>amended</i> .....		33/65	Feb. 13/65
Rural Power Districts.....	492		
Service Box Capacity.....		17/63	Feb. 9/63
<i>amended</i> .....		83/64	May 2/64
Water Heaters.....	493		
<b>Prearranged Funeral Services Act, 1961-62</b>			
Trust Accounts.....		146/62	June 23/62
<i>amended</i> .....		270/62	Oct. 27/62
<b>Private Hospitals Act</b>			
General.....	494		
<i>amended</i> .....		159/62	July 7/62
<b>Private Investigators Act</b>			
General.....	495		
<b>Professional Engineers Act</b>			
General.....	496		
<b>Provincial Land Tax Act, 1961-62</b>			
General.....		343/62	Jan. 5/63
<i>amended</i> .....		233/63	Sept. 7/63
<i>amended</i> .....		162/64	July 11/64
<i>amended</i> .....		339/64	Jan. 9/65
<b>Provincial Parks Act</b>			
Designation of Parks.....	498		
<i>amended</i> .....		73/63	April 6/63
<i>amended</i> .....		117/63	June 1/63
<i>amended</i> .....		151/63	June 29/63
<i>amended</i> .....		206/63	Aug. 10/63
<i>amended</i> .....		64/64	Mar. 21/64
<i>amended</i> .....		110/64	May 23/64
<i>amended</i> .....		161/64	July 11/64
<i>amended</i> .....		183/64	July 25/64
<i>amended</i> .....		205/64	Aug. 15/64
<i>amended</i> .....		179/65	July 31/65
General.....	499		
<i>amended</i> .....		214/61	July 3/61
<i>amended</i> .....		257/61	July 29/61
<i>amended</i> .....		123/62	June 2/62
<i>amended</i> .....		71/65	Mar. 27/65
<i>amended</i> .....		92/65	May 1/65
<i>amended</i> .....		189/65	Aug. 7/65
Guides in Quetico Provincial Park.....		99/62	May 12/62
<b>Psychiatric Hospitals Act</b>			
Associate Staff.....		135/62	June 23/62
Forms.....	500		
<b>Psychologists Registration Act</b>			
General.....	501		
<i>amended</i> .....		89/62	April 21/62

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Public Commercial Vehicles Act</b>			
Carrying Goods in Bond.....	502	.....	.....
<i>amended</i> .....	.....	333/62	Dec. 22/62
<i>amended</i> .....	.....	301/64	Nov. 14/64
<i>amended</i> .....	.....	70/65	Mar. 27/65
General.....	503	.....	.....
<i>amended</i> .....	.....	215/61	July 3/61
<i>amended</i> .....	.....	366/61	Dec. 9/61
<i>amended</i> .....	.....	263/62	Oct. 20/62
<i>amended</i> .....	.....	331/62	Dec. 22/62
<i>amended</i> .....	.....	57/63	Mar. 16/63
<b>Public Health Act</b>			
Camps in Unorganized Territory.....	504	.....	.....
<i>amended</i> .....	.....	115/63	June 1/63
Communicable Diseases.....	505	.....	.....
<i>amended</i> .....	.....	147/62	June 30/62
Community Health Services.....	.....	278/62	Nov. 3/62
Eating Establishments.....	506	.....	.....
Frosted-Food Locker Plants.....	507	.....	.....
Grants.....	508	.....	.....
Health Units			
Areas that may be Included in Health Units.....	509	.....	.....
<i>amended</i> .....	.....	216/61	July 3/61
<i>amended</i> .....	.....	58/62	Mar. 10/62
<i>amended</i> .....	.....	47/63	Mar. 9/63
<i>amended</i> .....	.....	23/64	Feb. 15/64
<i>amended</i> .....	.....	282/64	Oct. 24/64
<i>amended</i> .....	.....	34/65	Feb. 13/65
<i>amended</i> .....	.....	157/65	July 3/65
General.....	510	.....	.....
<i>amended</i> .....	.....	274/61	Aug. 19/61
<i>amended</i> .....	.....	305/63	Nov. 30/63
<i>amended</i> .....	.....	335/63	Dec. 28/63
<i>amended</i> .....	.....	72/64	April 18/64
<i>amended</i> .....	.....	109/64	May 23/64
<i>amended</i> .....	.....	136/64	June 27/64
<i>amended</i> .....	.....	221/64	Sept. 5/64
<i>amended</i> .....	.....	262/64	Oct. 17/64
<i>amended</i> .....	.....	35/65	Feb. 13/65
<i>amended</i> .....	.....	113/65	May 22/65
<i>amended</i> .....	.....	283/64	Oct. 24/64
Indigent Patients.....	.....	.....	.....
Pasteurization Areas.....	512	.....	.....
Pasteurization Plants.....	513	.....	.....
<i>amended</i> .....	.....	218/61	July 3/61
Plumbing in Unorganized Territory.....	514	.....	.....
Qualifications of Medical Officers of Health, Sanitary Inspectors and Public Health Nurses.....	515	.....	.....
<i>amended</i> .....	.....	31/63	Feb. 16/63
Sanitary Code for Unorganized Territory.....	.....	277/62	Nov. 3/62
<i>amended</i> .....	.....	118/64	June 13/64
Slaughter-Houses and Meat Processing Plants.....	516	.....	.....
Stuffed Articles.....	517	.....	.....
<i>amended</i> .....	.....	56/62	Mar. 10/62
<i>amended</i> .....	.....	71/62	Mar. 31/62
Summer Camps.....	518	.....	.....
Swimming Pools.....	.....	142/65	June 19/65
<b>Public Hospitals Act</b>			
Classification of Hospitals.....	.....	110/63	May 18/63
<i>amended</i> .....	.....	193/63	July 27/63
<i>amended</i> .....	.....	302/63	Nov. 16/63
<i>amended</i> .....	.....	59/64	Mar. 14/64
<i>amended</i> .....	.....	164/64	July 11/64
<i>amended</i> .....	.....	233/64	Sept. 19/64

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Public Hospitals Act—Continued</b>			
Classification of Hospitals—Continued			
<i>amended</i> .....	...	304/64	Nov. 21/64
<i>amended</i> .....	...	39/65	Feb. 20/65
<i>amended</i> .....	...	40/65	Feb. 20/65
<i>amended</i> .....	...	85/65	April 17/65
<i>amended</i> .....	...	138/65	June 12/65
<i>amended</i> .....	...	168/65	July 17/65
<i>amended</i> .....	...	197/65	Aug. 21/65
<b>Grants</b>			
Capital .....	...	308/63	Nov. 30/63
<i>amended</i> .....	...	203/64	Aug. 15/64
<i>amended</i> .....	...	231/64	Sept. 19/64
<i>amended</i> .....	...	112/65	May 22/65
Maintenance .....	522		
<i>amended</i> .....	...	225/63	Aug. 31/63
Special .....	...	96/65	May 8/65
Special .....	...	103/65	May 8/65
Special Capital .....	...	102/65	May 8/65
Hospital Loans .....	...	120/64	June 13/64
Hospital Loans .....	...	332/64	Dec. 26/64
Hospital Management .....	523		
<i>amended</i> .....	...	211/62	Sept. 1/62
<i>amended</i> .....	...	247/64	Oct. 3/64
<b>Public Lands Act</b>			
Hunting by Aircraft .....	...	268/63	Oct. 26/63
Restricted Areas			
District of Cochrane .....	...	84/62	April 21/62
District of Kenora .....	...	145/63	June 22/63
District of Thunder Bay .....	...	90/62	April 28/62
District of Timiskaming .....	...	85/62	April 21/62
Part of the District of Cochrane .....	...	29/64	Feb. 15/64
Sale of Public Lands .....	524		
<i>amended</i> .....	...	370/61	Dec. 16/61
<i>amended</i> .....	...	66/62	Mar. 24/62
<i>amended</i> .....	...	75/62	April 7/62
<b>Public Libraries Act</b>			
General .....	...	14/65	Jan. 30/65
<i>Correction</i> .....	...	.....	April 17/65
<b>Public Service Act, 1961-62</b>			
General .....	...	190/62	Aug. 11/62
<i>amended</i> .....	...	15/63	Feb. 9/63
<i>amended</i> .....	...	176/63	July 13/63
<i>amended</i> .....	...	252/63	Sept. 28/63
<i>amended</i> .....	...	260/63	Oct. 19/63
<i>amended</i> .....	...	269/63	Oct. 26/63
<i>amended</i> .....	...	323/63	Dec. 7/63
<i>amended</i> .....	...	346/63	Jan. 4/64
<i>amended</i> .....	...	15/64	Feb. 1/64
<i>amended</i> .....	...	52/64	Mar. 14/64
<i>amended</i> .....	...	167/64	July 11/64
<i>amended</i> .....	...	207/64	Aug. 22/64
<i>amended</i> .....	...	244/64	Oct. 3/64
<i>amended</i> .....	...	308/64	Nov. 28/64
<i>amended</i> .....	...	337/64	Jan. 9/65
<i>amended</i> .....	...	93/65	May 1/65
Joint Council .....	...	177/63	July 13/63
<i>amended</i> .....	...	68/65	Mar. 20/65
The Ontario Provincial Police Negotiating Committee .....	...	124/64	June 13/64
<i>amended</i> .....	...	51/65	Mar. 13/65
<i>amended</i> .....	...	150/65	June 26/65

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Public Service Superannuation Act</b>			
General.....	528	.....	.....
<i>amended</i> .....	...	154/63	June 29/63
<i>amended</i> .....	...	69/65	Mar. 27/65
<b>Public Trustee Act</b>			
General.....	529	.....	.....
<i>amended</i> .....	...	223/61	July 3/61
<i>amended</i> .....	...	59/65	Mar. 20/65
<b>Public Vehicles Act</b>			
General.....	530	.....	.....
<i>amended</i> .....	...	224/61	July 3/61
<i>amended</i> .....	...	261/62	Oct. 20/62
<i>amended</i> .....	...	332/62	Dec. 22/62
<i>amended</i> .....	...	105/64	May 23/64
<i>amended</i> .....	...	141/64	June 27/64
<b>Public Works Creditors Payment Act, 1962-63</b>			
Notice of Claim.....	...	252/64	Oct. 10/64
Time for Notice of Claim.....	...	45/64	Mar. 7/64
<b>R</b>			
<b>Race Tracks Tax Act</b>			
Rate of Tax.....	531	.....	.....
<b>Radiological Technicians Act, 1962-63</b>			
General.....	...	185/64	Aug. 1/64
<b>Railway Fire Charge Act</b>			
Charges for Fire Protection.....	532	.....	.....
<b>Real Estate and Business Brokers Act</b>			
Registration.....	533	.....	.....
<i>amended</i> .....	...	169/63	July 6/63
<i>amended</i> .....	...	312/64	Dec. 5/64
Sales Record Sheet.....	534	.....	.....
<b>Reciprocal Enforcement of Judgments Act</b>			
Application of Act.....	535	.....	.....
<i>amended</i> .....	...	225/61	July 3/61
<b>Reciprocal Enforcement of Maintenance Orders Act</b>			
Reciprocating States.....	536	.....	.....
<b>Reformatories Act</b>			
Management and Discipline.....	537	.....	.....
<b>Registry Act</b>			
Fees.....	...	49/64	Mar. 7/64
<i>amended</i> .....	...	159/64	July 4/64
Forms and Records.....	...	157/64	July 4/64
Microfilming of Registry Record.....	...	158/64	July 4/64
<i>amended</i> .....	...	149/65	June 26/65
Registrar's Annual Return.....	...	328/63	Dec. 14/63
Registry Divisions.....	...	4/65	Jan. 23/65
<i>amended</i> .....	...	105/65	May 15/65
Surveys, Plans and Descriptions of Land.....	...	156/64	July 4/64
<b>Regulations Act</b>			
General.....	539	.....	.....



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Rehabilitation Services Act</b>			
General.....	...	26/65	Feb. 6/65
<b>Retail Sales Tax Act, 1960-61</b>			
General.....	...	232/61	July 8/61
<i>amended</i> .....	...	54/62	Mar. 10/62
<i>amended</i> .....	...	114/62	May 26/62
<i>amended</i> .....	...	177/62	July 28/62
<i>amended</i> .....	...	206/62	Sept. 1/62
<i>amended</i> .....	...	238/62	Oct. 6/62
<i>amended</i> .....	...	239/62	Oct. 6/62
<i>amended</i> .....	...	304/62	Dec. 1/62
<i>amended</i> .....	...	320/62	Dec. 15/62
<i>amended</i> .....	...	59/63	Mar. 23/63
<i>amended</i> .....	...	87/63	April 27/63
<i>amended</i> .....	...	243/63	Sept. 14/63
<b>Rural Power District Service Charge Act (R.S.O. 1950, c. 344)</b>			
Service Charges.....	541	.....	.....
<b>S</b>			
<b>St. Lawrence Parks Commission Act</b>			
Parks.....	469	.....	.....
<i>amended</i> .....	...	211/61	July 3/61
<i>amended</i> .....	...	91/64	May 9/64
<i>amended</i> .....	...	50/65	Mar. 6/65
<b>Sanatoria for Consumptives Act</b>			
General.....	542	.....	.....
<i>amended</i> .....	...	208/62	Sept. 1/62
<i>amended</i> .....	...	142/63	June 15/63
<i>amended</i> .....	...	271/63	Oct. 26/63
<i>amended</i> .....	...	119/64	June 13/64
<i>amended</i> .....	...	237/64	Sept. 26/64
Tuberculosis Control Clinics.....	...	188/62	Aug. 4/62
<b>Securities Act</b>			
Registration.....	543	.....	.....
<i>amended</i> .....	...	228/61	July 3/61
<i>amended</i> .....	...	239/61	July 15/61
<i>amended</i> .....	...	341/61	Oct. 28/61
<i>amended</i> .....	...	60/62	Mar. 17/62
<i>amended</i> .....	...	196/63	July 27/63
<i>amended</i> .....	...	49/65	Mar. 6/65
<b>Security Transfer Tax Act</b>			
General.....	544	.....	.....
<b>Seed Potatoes Act</b>			
General.....	545	.....	.....
<b>Silicosis Act</b>			
General.....	546	.....	.....
<b>Stallions Act</b>			
General.....	547	.....	.....
<b>Stock Yards Act</b>			
Management.....	548	.....	.....
<b>Succession Duty Act</b>			
General.....	549	.....	.....



	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
<b>Summary Convictions Act</b>			
Traffic Ticket.....	550	.....	.....
<i>amended</i> .....	...	68/64	April 11/64
<b>Surrogate Courts Act</b>			
Rules of Practice.....	551	.....	.....
<b>Surveys Act</b>			
Monuments.....	...	266/61	Aug. 5/61
<i>amended</i> .....	...	188/63	July 20/63
Survey Methods.....	552	.....	.....
<b>T</b>			
<b>Teachers' Superannuation Act</b>			
General.....	553	.....	.....
<i>amended</i> .....	...	229/61	July 3/61
<i>amended</i> .....	...	276/61	Aug. 19/61
<i>amended</i> .....	...	298/61	Sept. 23/61
<i>amended</i> .....	...	8/62	Jan. 20/62
<i>amended</i> .....	...	236/62	Oct. 6/62
<i>amended</i> .....	...	316/62	Dec. 15/62
<i>amended</i> .....	...	106/63	May 11/63
<i>amended</i> .....	...	155/63	June 29/63
<i>amended</i> .....	...	173/63	July 13/63
<i>amended</i> .....	...	281/63	Nov. 2/63
<i>amended</i> .....	...	70/64	April 11/64
<i>amended</i> .....	...	92/64	May 9/64
<i>amended</i> .....	...	131/64	June 20/64
<i>amended</i> .....	...	132/64	June 20/64
<i>amended</i> .....	...	240/64	Sept. 26/64
<i>amended</i> .....	...	30/65	Feb. 6/65
<i>amended</i> .....	...	91/65	May 1/65
<i>amended</i> .....	...	123/65	May 29/65
<b>Theatres Act</b>			
General.....	554	.....	.....
<i>amended</i> .....	...	140/63	June 15/63
<b>Toll Bridges Act</b>			
General.....	...	282/63	Nov. 2/63
<i>amended</i> .....	...	239/64	Sept. 26/64
<b>Tourist Establishments Act</b>			
General.....	...	200/65	Aug. 21/65
<b>Trade Schools Regulation Act</b>			
General.....	557	.....	.....
<i>amended</i> .....	...	33/62	Feb. 17/62
<i>amended</i> .....	...	139/62	June 23/62
<b>Training Schools Act</b>			
Liability of Municipalities and Grants.....	558	.....	.....
<i>amended</i> .....	...	18/65	Jan. 30/65
<b>Trench Excavators' Protection Act</b>			
General.....	559	.....	.....
<b>U</b>			
<b>Used Car Dealers Act, 1964</b>			
General.....	...	3/65	Jan. 23/65

	Regulation No.		Date of Gazette
	R.R.O. 1960	O. Reg.	
V			
Venereal Diseases Prevention Act			
General.....	560	.....	.....
Vital Statistics Act			
General.....	562	.....	.....
<i>amended</i> .....	.....	233/61	July 15/61
<i>amended</i> .....	.....	337/61	Oct. 28/61
<i>amended</i> .....	.....	185/62	Aug. 4/62
<i>amended</i> .....	.....	186/62	Aug. 4/62
<i>amended</i> .....	.....	128/63	June 8/63
<i>amended</i> .....	.....	209/63	Aug. 17/63
<i>amended</i> .....	.....	324/63	Dec. 14/63
<i>amended</i> .....	.....	4/64	Jan. 25/64
Voters' Lists Act			
General.....	563	.....	.....
<i>amended</i> .....	.....	203/63	Aug. 3/63
W			
Warble Fly Control Act			
General.....	564	.....	.....
<i>amended</i> .....	.....	60/65	Mar. 20/65
Weed Control Act			
General.....	565	.....	.....
<i>amended</i> .....	.....	170/63	July 6/63
<i>amended</i> .....	.....	112/64	May 30/64
<i>amended</i> .....	.....	288/64	Oct. 31/64
<i>amended</i> .....	.....	61/65	Mar. 20/65
<i>amended</i> .....	.....	185/65	July 31/65
Welfare Units Act			
General.....	566	.....	.....
Wilderness Areas Act			
Wilderness Areas.....	567	.....	.....
<i>amended</i> .....	.....	268/61	Aug. 5/61
<i>amended</i> .....	.....	35/62	Feb. 17/62
<i>amended</i> .....	.....	89/64	May 2/64
<i>amended</i> .....	.....	229/64	Sept. 12/64
<i>amended</i> .....	.....	259/64	Oct. 17/64
<i>amended</i> .....	.....	178/65	July 31/65
Wild Rice Harvesting Act			
General.....	568	.....	.....
Wolf and Bear Bounty Act			
Bounties.....	569	.....	.....
<i>amended</i> .....	.....	265/61	Aug. 5/61
Wolves or Bears in Captivity.....	570	.....	.....
Workmen's Compensation Act			
General.....	571	.....	.....
<i>amended</i> .....	.....	230/61	July 3/61
<i>amended</i> .....	.....	379/61	Dec. 23/61
<i>amended</i> .....	.....	126/62	June 9/62
<i>amended</i> .....	.....	328/62	Dec. 22/62
<i>amended</i> .....	.....	45/63	Mar. 9/63
<i>amended</i> .....	.....	347/63	Jan. 4/64
<i>amended</i> .....	.....	16/65	Jan. 30/65
<i>amended</i> .....	.....	176/65	July 24/65
Pension Plan.....	572	.....	.....



## PART II

Showing the Regulations contained in Revised Regulations of Ontario, 1960 and subsequent Regulations filed to the 31st day of August, 1965, that have been revoked, are revoking only or have expired.

R.R.O. 1960 Regulations	Disposition	R.R.O. 1960 Regulations	Disposition
3	See S.O. 1961-62, c. 42, s. 20	188	Rev. 22/65
7	See S.O. 1965, c. 2	189	Rev. 46/65
10	Rev. 158/63	190	Rev. 343/64
11	Rev. 268/64	191	Rev. 152/63
12	Rev. 264/64	192	Rev. 347/61
13	Rev. 264/64	193	Rev. 94/64
14	Rev. 277/64	194	Rev. 322/61
15	Rev. 270/64	195	Rev. 264/61
16	Rev. 270/64	196	Rev. 234/61
17	Rev. 279/64	197	Rev. 237/61
18	Rev. 272/64	198	Rev. 243/61
19	Rev. 272/64	201	Rev. 247/63
20	Rev. 273/64	203	Rev. 226/63
21	Rev. 278/64	204	Rev. 82/64
22	Rev. 278/64	210	Rev. 301/61
23	Rev. 274/64	211	Rev. 180/63
24	Rev. 274/64	220	Rev. 118/65
25	Rev. 276/64	221	Rev. 129/62
26	Rev. 276/64	225	Exp.
30	Rev. 26/64	228	Exp.
34	See S.O. 1960-61, c. 5, s. 17	235	Rev. 156/62
40	Rev. 111/62	247	Rev. 199/64
46	Rev. 133/61	257	Rev. 193/62
49	Rev. 297/64	263	Rev. 188/61
64	Rev. 384/61	264	Rev. 47/62
72	Rev. 283/63	269	Rev. 226/64
79	Rev. 258/61	272	Rev. 61/63
80	Rev. 123/64	275	Rev. 310/62
83	Rev. 143/61	278	Rev. 18/63
84	Rev. 142/61	280	Rev. 189/61
86	Rev. 175/64	281	Rev. 193/61
90	Rev. 28/63	284	Rev. 190/61
95	Rev. 280/63	285	Rev. 136/65
97	Rev. 142/61	288	Rev. 10/63
102	Rev. 199/65	289	Rev. 341/62
106	Rev. 137/62	290	Rev. 191/61
109	Rev. 100/63	293	Rev. 192/61
110	See S.O. 1961-62, c. 125, s. 1	296	Rev. 339/61
113	Rev. 293/61	300	Rev. 116/65
124	Rev. 377/61	301	Rev. 48/62
131	Rev. 156/61	306	Rev. 134/65
132	Rev. 334/64	311	Rev. 364/61
134	Rev. 196/64	312	Rev. 226/64
135	See S.O. 1961-62, c. 93, s. 19	317	Rev. 115/65
136	See S.O. 1961-62, c. 93, s. 19	329	Rev. 62/62
180	See S.O. 1961-62, c. 93, s. 19	333	Rev. 137/65
181	See S.O. 1964, c. 32, s. 1.	334	Rev. 220/64
186	Rev. 319/63	339	Rev. 194/61
187	Rev. 152/63	342	Rev. 255/61
		344	Rev. 195/61
		347	Rev. 220/64
		350	Rev. 183/65
		353	Rev. 204/64
		359	Rev. 169/62
		361	Rev. 309/61
		371	Rev. 135/65

R.R.O. 1960 Regulations	Disposition	Ontario Regulations	Disposition
373	Rev. 199/61	171/61	Rev. 82/64
374	Rev. 182/65	174/61	Rev. 301/61
380	Rev. 49/62	179/61	Rev. 41/62
381	Rev. 200/61	207/61	Rev. 387/61
384	Rev. 220/64	210/61	Rev. 21/63
385	Rev. 220/64	217/61	Rev. 305/63
386	Rev. 220/64	219/61	Rev. 110/63
387	Rev. 220/64	220/61	Rev. 14/65
402	Rev. 77/63	221/61	Rev. 190/62
407	Rev. 187/65	222/61	Rev. 190/62
435	Rev. 343/61	226/61	See S.O. 1961-62, c. 124, s. 1
436	Rev. 283/61		Rev. 9/62
437	Rev. 7/65	227/61	Rev. 133/62
439	Rev. 313/64	234/61	Exp.
448	Rev. 21/63	235/61	Exp.
453	Rev. 288/63	236/61	Rev. 176/62
454	Rev. 211/63	237/61	Rev. 289/63
455	Rev. 211/63	238/61	Revkg.
460	Rev. 324/64	241/61	Rev. 133/62
462	Rev. 99/65	242/61	Rev. 133/62
467	Rev. 99/63	243/61	Rev. 149/62
472	Rev. 212/61	245/61	Rev. 211/63
474	Rev. 166/63	246/61	Rev. 190/62
476	Rev. 251/62	247/61	Rev. 37/62
479	Rev. 5/64	249/61	Rev. 190/62
489	Rev. 306/64	250/61	Rev. 190/62
490	Rev. 304/63	251/61	Rev. 211/63
497	Rev. 343/62	253/61	Rev. 265/64
511	Rev. 258/63	255/61	Rev. 110/63
519	Rev. 142/65	256/61	Rev. 305/62
520	Rev. 110/63	258/61	Revkg.
521	Rev. 308/63	260/61	Rev. 176/62
525	Rev. 220/61	262/61	Rev. 229/63
526	Rev. 190/62	264/61	Rev. 247/63
527	Rev. 222/61	267/61	Rev. 305/63
538	Rev. 111/64	269/61	Rev. 187/65
540	Rev. 26/65	270/61	Rev. 133/62
555	Rev. 282/63	271/61	Rev. 266/62
556	Rev. 200/65	278/61	Exp.
561	See S.O. 1961-62, c. 42, s. 20	279/61	Rev. 133/62
		280/61	Rev. 355/61
		281/61	Rev. 301/61
		282/61	Revkg.
		283/61	Revkg.
		285/61	Revkg.
		286/61	Rev. 190/62
		287/61	Rev. 190/62
		288/61	Rev. 190/62
		289/61	Revkg.
		291/61	Rev. 119/62
		292/61	Rev. 39/64
		294/61	Exp.
		299/61	Rev. 133/62
		300/61	Exp.
		302/61	Rev. 22/65
		305/61	Rev. 229/63
		306/61	Rev. 190/62
		308/61	Rev. 305/63
		311/61	Revkg.
		312/61	Rev. 59/65
		314/61	Rev. 325/64
		319/61	Rev. 254/62
		320/61	Rev. 259/62
		321/61	Rev. 286/63
		322/61	Rev. 2/63
		324/61	Rev. 68/62
		326/61	
Ontario Regulations	Disposition		
1/61 to 129A/61	Rev. S.O. 1959, c. 90, s. 5 (2)		
134/61	Rev. 297/64		
136/61	Rev. 253/64		
137/61	Rev. 339/62		
139/61	Rev. 322/64		
140/61	Rev. 327/63		
143/61	Rev. 37/62		
144/61	Rev. 110/65		
147/61	Rev. 199/65		
155/61	Rev. 41/65		
156/61	Rev. 325/64		
157/61	Rev. 334/64		
158/61	See S.O. 1961-62, c. 93, s. 19		
165/61	Rev. 349/61		
170/61	Revkg.		



Ontario Regulations	Disposition	Ontario Regulations	Disposition
327/61	Rev. 47/63	138/62	Rev. 199/65
334/61	Rev. 218/62	142/62	Rev. 132/64
343/61	Rev. 125/64	154/62	Rev. 187/65
344/61	Rev. 276/63	156/62	Revkg.
345/61	Rev. 226/63	157/62	Revkg.
347/61	Revkg.	160/62	Rev. 190/62
351/61	Exp.	161/62	Exp.
352/61	Rev. 284/63	163/62	Exp.
355/61	Rev. 229/63	165/62	Rev. 189/63
372/61	Rev. 25/65	166/62	Rev. 128/65
375/61	Rev. 311/64	171/62	Rev. 247/64
378/61	Rev. 283/63	173/62	Rev. 170/63
381/61	Exp.	176/62	Rev. 249/63
382/61	Rev. 333/62	179/62	Revkg.
383/61	Rev. 117/62	182/62	Rev. 274/64
385/61	Rev. 156/62	191/62	Rev. 160/65
388/61	Exp.	200/62	Rev. 304/63
		204/62	Revkg.
		210/62	Rev. 199/65
4/62	Rev. 182/64	214/62	Rev. 236/63
5/62	Rev. 190/62	215/62	Rev. 240/63
6/62	Rev. 196/64	218/62	Revkg.
7/62	Rev. 110/63	220/62	Rev. 326/64
9/62	See S.O. 1964, c. 103, s. 1	221/62	Rev. 325/64
		222/62	Rev. 162/63
11/62	Exp.	223/62	Rev. 110/63
19/62	Rev. 226/63	229/62	Rev. 184/65
20/62	Rev. 82/64	230/62	Rev. 246/64
24/62	Rev. 325/64	232/62	Revkg.
25/62	Rev. 22/65	233/62	Rev. 189/63
30/62	Rev. 13/63	234/62	Exp.
31/62	Rev. 61/64	235/62	Rev. 189/63
32/62	Rev. 5/65	242/62	Rev. 249/63
36/62	Rev. 247/63	243/62	Rev. 41/63
37/62	Rev. 32/63	250/62	Rev. 18/65
39/62	Revkg.	254/62	Rev. 211/65
40/62	Rev. 194/64	256/62	Rev. 286/63
42/62	Revkg.	257/62	Revkg.
43/62	Rev. 176/62	258/62	Rev. 162/63
49/62	Rev. 224/64	259/62	Rev. 285/63
51/62	Rev. 182/64	260/62	Rev. 280/63
57/62	Rev. 305/63	265/62	Revkg.
61/62	Rev. 297/64	268/62	Rev. 305/63
62/62	Rev. 170/65	269/62	Rev. 258/63
64/62	Revkg.	272/62	Rev. 189/63
72/62	Rev. 196/64	274/62	Rev. 322/62
73/62	Rev. 309/64	276/62	Revkg.
76/62	Rev. 151/64	279/62	Rev. 305/63
79/62	Rev. 26/65	285/62	Rev. 284/63
83/62	Rev. 325/64	287/62	Revkg.
87/62	Rev. 82/64	289/62	Rev. 27/63
91/62	Rev. 13/63	290/62	Rev. 110/63
92/62	Exp.	291/62	Revkg.
94/62	Rev. 110/63	292/62	Rev. 189/63
95/62	Rev. 313/62	295/62	Rev. 249/63
96/62	Rev. 294/62	298/62	Rev. 309/64
101/62	Rev. 305/63	299/62	Exp.
102/62	Rev. 211/63	300/62	Rev. 82/64
104/62	Exp.	301/62	Revkg.
105/62	Rev. 127/63	305/62	Rev. 302/64
110/62	Rev. 116/63	309/62	Rev. 305/63
113/62	Rev. 110/63	315/62	Rev. 110/63
127/62	Rev. 107/63	319/62	Revkg.
131/62	Rev. 82/64	321/62	Revkg.
132/62	Rev. 229/63	327/62	Rev. 297/64
133/62	Rev. 189/63	334/62	Rev. 311/63
134/62	Rev. 189/63	340/62	Rev. 323/64

Ontario Regulations	Disposition	Ontario Regulations	Disposition
2/63	Rev. 305/63	249/63	Revkg.
8/63	Rev. 350/63	251/63	Rev. 89/64
9/63	Revkg.	255/63	Rev. 152/64
12/63	Revkg.	258/63	Rev. 283/64
13/63	Rev. 11/64	262/63	Revkg.
19/63	Rev. 110/63	263/63	Revkg.
24/63	Rev. 326/64	267/63	Rev. 177/64
26/63	Rev. 305/63	273/63	Rev. 177/64
27/63	Rev. 125/64	276/63	Rev. 99/65
32/63	Rev. 16/64	278/63	Rev. 297/64
36/63	Rev. 305/63	289/63	Rev. 111/64
38/63	Rev. 187/65	290/63	Exp.
39/63	Rev. 289/63	293/63	Exp.
40/63	Rev. 11/64	297/63	Rev. 177/64
42/63	Rev. 121/64	298/63	Rev. 139/65
48/63	Rev. 25/65	299/63	Rev. 139/65
56/63	Rev. 110/63	313/63	Rev. 24/65
58/63	Rev. 149/64	315/63	Revkg.
65/63	Revkg.	316/63	Exp.
66/63	Rev. 46/65	317/63	Rev. 301/64
68/63	Rev. 305/63	318/63	Rev. 22/64
74/63	Rev. 244/64	325/63	Rev. 171/65
79/63	Rev. 199/65	326/63	Rev. 14/65
82/63	Rev. 46/65	332/63	Rev. 197/64
83/63	Rev. 71/65	334/63	Revkg.
84/63	Rev. 24/65	344/63	Rev. 152/64
85/63	Exp.	349/63	Rev. 325/64
88/63	Rev. 182/64	350/63	Rev. 334/64
94/63	Rev. 306/63		
97/63	Exp.	6/64	Rev. 187/64
98/63	Exp.	10/64	Rev. 182/64
101/63	Rev. 305/63	11/64	Rev. 19/65
125/63	Rev. 53/64	16/64	Rev. 43/65
126/63	Rev. 226/63	17/64	Exp.
127/63	Rev. 82/64	19/64	Revkg.
129/63	Rev. 5/64	27/64	Rev. 266/64
131/63	Rev. 26/65	28/64	Rev. 266/64
133/63	Rev. 6/65	39/64	Rev. 309/64
135/63	Rev. 6/65	44/64	Revkg.
136/63	Rev. 7/65	46/64	Rev. 139/65
137/63	Revkg.	48/64	Revkg.
138/63	Rev. 152/64	53/64	Revkg.
141/63	Rev. 184/64	62/64	Rev. 175/65
143/63	Exp.	67/64	Rev. 302/64
146/63	Rev. 182/64	78/64	Exp.
152/63	Revkg.	79/64	Exp.
157/63	Rev. 267/64	95/64	Rev. 6/65
158/63	Revkg.	96/64	Rev. 6/65
159/63	Rev. 267/64	97/64	Rev. 7/65
160/63	Rev. 272/64	98/64	Rev. 7/65
162/63	Revkg.	100/64	Rev. 8/65
164/63	Rev. 13/65	101/64	Rev. 8/65
165/63	Rev. 16/64	103/64	Rev. 7/65
180/63	Revkg.	107/64	Revkg.
181/63	Rev. 316/64	111/64	Revkg.
187/63	Rev. 182/64	127/64	Rev. 7/65
189/63	Rev. 139/65	128/64	Rev. 7/65
195/63	Rev. 177/64	129/64	Rev. 200/65
199/63	Exp.	139/64	Rev. 176/64
200/63	Revkg.	143/64	Rev. 7/65
210/63	Rev. 235/64	144/64	Rev. 8/65
213/63	Rev. 187/64	145/64	Rev. 7/65
214/63	Exp.	146/64	Rev. 6/65
224/63	Rev. 308/63	147/64	Rev. 6/65
244/63	Rev. 279/64	148/64	Rev. 8/65
246/63	Rev. 139/65	151/64	Revkg.
248/63	Revkg.	153/64	Rev. 163/65

Ontario Regulations	Disposition	Ontario Regulations	Disposition
172/64	Rev. 309/64	258/64	Rev. 6/65
177/64	Rev. 159/65	277/64	Revkg.
192/64	Rev. 158/65	286/64	Rev. 159/65
201/64	Rev. 188/65	290/64	Rev. 139/65
206/64	Rev. 139/65	292/64	Revkg.
218/64	Rev. 8/65	298/64	Exp.
220/64	Revkg.	321/64	Rev. 151/65
222/64	Rev. 262/64	332/64	Exp.
230/64	Rev. 25/65		
248/64	Rev. 43/65	42/65	Rev. 187/65
255/64	Rev. 7/65	55/65	Rev. 188/65
256/64	Rev. 8/65	78/65	Rev. 199/65
257/64	Rev. 9/65	151/65	Rev. 188/65





























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